



ANNO QUINQUAGESIMO SEXTO ET QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1893.

No. 584.

An Act to amend the Crown Lands Acts of 1888, 1889, and 1890, and for other purposes.

[Assented to, December 23rd, 1893.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

PART I.

PRELIMINARY.

PART I.

1. This Act may be cited for all purposes as "The Crown Lands Amendment Act, 1893." This Act, "The Crown Lands Act, 1888," and the Crown Lands Amendment Acts of 1889 and 1890, which are referred to in the title as the Crown Lands Acts of 1888, 1889, and 1890, shall be read and construed together as forming one Act.

Short title and incorporation.

2. This Act is divided into seven parts, relating to the following subject matters:—

Division of Act into parts.

PART I.—Preliminary:

PART II.—Central Land Board:

PART III.—Lands subject to Mineral Reservations:

PART IV.—Lands for Homestead Blocks, and Loans to Block-holders:

PART V.—Right of Purchase and Perpetual Leases:

PART

*The Crown Lands Amendment Act.—1893.***PART I.****PART VI.—Miscellaneous:****PART VII.—Village Settlements.**

Repeal.

3. Section 31 and Schedule D of the principal Act; section 37 of “The Crown Lands Amendment Act, 1889”; and section 40 and Schedules A and B of “The Crown Lands Amendment Act, 1890,” are hereby repealed so far as relates to surrendered leases on which the lessee had resided; Section 12 of Act 217 of 1881 is hereby repealed; but this repeal shall not affect any right, interest, or liability already created, incurred, or existing, nor anything lawfully done or suffered under any enactment hereby repealed; and any proceeding in respect of any such right, interest, or liability may be carried on as if this Act had not been passed.

Interpretation clause.

4. In this Act, unless where the context requires a different construction—

“Principal Act” means “The Crown Lands Act, 1888”:

“Homestead block” means a block of land the lease or leasing of which is limited to a person gaining his livelihood by his own labor.

“Land Board” means the Land Board for the district in which the land is situate; or if the land is not within any Land Board district, then such Land Board as the Commissioner shall select:

“Prescribed” means prescribed by any Crown Lands Act or regulation.

PART II.**PART II.****CENTRAL LAND BOARD.**

Governor may appoint Board, consisting of three civil servants.

5. It shall be lawful for the Governor to appoint a board, to be called “The Central Land Board.” Such board shall consist of three members, all of whom shall be civil servants.

Term of office.

6. Members shall hold office for twelve months from date of appointment, and shall be eligible for reappointment.

Quorum and casting vote of chairman.

7. Any two members shall form a quorum, and may exercise all the powers and authorities vested in the board. In case only two members are present the chairman shall have a casting as well as a deliberative vote.

Chairman to be appointed by Commissioner.

8. The member nominated by the Commissioner in that behalf shall be chairman, but in his absence from any meeting one of the members present may, with the concurrence of the other member, act as chairman; or failing such concurrence the Commissioner may appoint the chairman.

9. (a) It

The Crown Lands Amendment Act.—1893.

PART II.

Powers and duties of Board.

9. (a) It shall be the primary duty of the Central Land Board to meet daily, and forthwith deal with all applications, and other matters, which may be referred to it by the Commissioner.

(b) In respect of the matters so referred, the Central Land Board shall have and perform all the powers, duties, and authorities by any of the Crown Lands Acts vested in or conferred or devolving upon the Land Board.

(c) No application for a lease of any land shall be referred to the Central Land Board until the Commissioner has received from the Land Board a report that such land had been declared open for leasing, but had not been allotted; nor shall the Central Land Board be required to classify, or decide upon the sub-divisions, rent, or purchase-money of any Crown Lands prior to their being declared open for leasing, or to deal with applications for the surrender of leases of lands reserved for leasing or with applications for transfer.

PART III.

PART III.

LANDS SUBJECT TO MINERAL RESERVATIONS.

10. In all cases where metals, mineral oils, coal, or any other minerals whatever shall hereafter be reserved to the Crown under any Act relating to Crown lands, now or formerly in force, in any grant, agreement for sale, or lease of any land, such land shall, after proclamation to that effect in the *Government Gazette*, be deemed to be mineral land, and it shall be lawful for the Commissioner to grant mineral leases, and to issue general or specific mineral licences, under the principal Act in respect of such land, or any part thereof, without any previous resumption or notice of resumption thereof, anything in any of the Crown Lands Acts to the contrary notwithstanding: Provided that the provisions of this section shall not extend to any garden, orchard, or vineyard, church, chapel, school-house, hospital, asylum, college, or grounds enclosing the same, or to any park lands or recreation grounds vested in any Municipal Corporation or District Council, or other public body or trustees, or to any land of less area than half an acre within any city or township, or to any land within three hundred yards of any well, artificial reservoir, dam, dwelling-house, manufactory, or building of not less than Fifty Pounds value.

Mineral reservations tantamount to proclamation of mineral lands, and notice of resumption, &c., unnecessary.

11. The owner, lessee, or other person out of whose land such reservation shall be made shall be entitled to compensation, from the Commissioner, for all damage done to the surface of the land, or to any building or other erection then being thereon, by any mining operations carried on by the mineral lessee or licencee, or by reason of the exercise by him, his agents or servants, upon the land, of any powers, rights, or privileges conferred by such lease or licence; the amount of such compensation, in case of dispute, to be determined by the Land Board, or at the option of either the Commissioner or of the owner, lessee, or other person, as provided for by section 170 of the principal Act.

Compensation for damage to surface of land or buildings.

PART

PART IV.

PART IV.

HOMESTEAD BLOCKS, ACQUISITION OF LAND FOR.

Expression "Blocks for working men" superseded by "Homestead Blocks."

12. The expression "Blocks for working men" in all Crown Lands Acts, leases, and regulations is synonymous with, and shall be deemed to be superseded by, the term "Homestead blocks."

Persons moving Commissioner to acquire lands to pay deposit.

13. Before proceeding to acquire any land for the purpose of homestead blocks, under section 43 of Act No. 502 of 1890, the Commissioner shall require every person qualified, and declaring his intention to become the lessee of a homestead block, to enter into an undertaking that in the event of the land being acquired he will forthwith apply for a homestead block, portion of such land, of the value of not less than Twenty Pounds; and the Commissioner shall also require such person to deposit with him, before the schedule of the lands is laid before Parliament, an amount equal to five per centum of such value.

If the lands shall not be acquired within three months from the date of the undertaking, the deposit shall be returned to the depositor; but in any other case shall be credited to him as against the rent or purchase money of the block so to be applied for, but if any person making the deposit fails to apply pursuant to his undertaking, his deposit shall be forfeited.

LOANS TO BLOCKHOLDERS.

Loans may be made to blockholders for permanent improvements.

14. In addition to the purposes for which advances may be made to blockholders under Act No. 515 of 1891, advances may be made from the fund in that Act mentioned to aid blockholders in the making of improvements which permanently increase the capital value of the land.

The improvements may consist of clearing the land, or fencing the same, erecting, or making thereon, permanent water improvements, such as dams, wells, tanks, water-courses, windmills, and the like.

Loans not to exceed, with interest, Fifty Pounds.

15. The advances so to be made to any blockholder shall not exceed one half of the value of such improvements; and the amount owing to the Commissioner by any blockholder for moneys advanced on account of buildings, or any such improvements as aforesaid, with interest, shall not at any time exceed in the whole Fifty Pounds.

Applications, how to be made.

16. Every application for an advance under this Act shall be made in writing to the Commissioner in a form to be prescribed by him, and shall be supported by the report of the Inspector of Homestead Blocks, or other officer appointed by the Commissioner for this purpose, and by such vouchers, statutory declarations, and other evidence, as the Commissioner may require.

17. Every

The Crown Lands Amendment Act.—1893.

17. Every blockholder on obtaining any such advance shall enter into an agreement with the Commissioner in a form analagous to that contained in Schedule B to Act No. 515 of 1891, with such alterations and additional terms and conditions as the Commissioner shall think necessary.

PART IV.

Blockholders obtaining advances to sign agreement.

18. Unless where inconsistent with this Act, the provisions of Act No. 515 of 1891 shall apply to advances authorised by this Act, and the re-payment thereof, with interest, and the consequences of any non-payment thereof, or of breach of the agreement mentioned in the next preceding section, in like manner as if such advances were made pursuant to that Act.

Provisions of Act 515 of 1891 to apply to advances authorised by this Act.

19. So long as any principal or interest moneys remain owing to the Commissioner by any blockholder in respect of advances made under Act 515 of 1891, or this Act, it shall not be lawful for the blockholder to pull down or remove from the land, or knowingly suffer to be pulled down or removed, or wilfully or knowingly destroy, damage, or injure, or suffer to be destroyed, damaged, or injured, any permanent building, erection, or water improvement erected or made upon the block, without the consent of the Commissioner in writing first had and obtained: Any person offending against the provisions of this section shall forfeit his lease, and shall be guilty of a misdemeanor, and punishable, on conviction, by imprisonment, with or without hard labor, for any term not exceeding two years.

Blockholder not to remove, destroy, or injure improvements while moneys owing in respect of advances.

PART V.

PART V.

RIGHT OF PURCHASE AND PERPETUAL LEASES.

20. Notwithstanding anything contained in any of the Crown Lands Acts, no lease with right of purchase, or perpetual lease, shall hereafter be granted to any person of lands of such value that the purchase-money would exceed Five Thousand Pounds unimproved value; or so that the lessee would hold, under right of purchase, or under perpetual lease, or both, lands the aggregate unimproved value whereof would, in the opinion of the Land Board, exceed Five Thousand Pounds.

Limitation of holdings with right of purchase.

21. (1) Any person at the passing of this Act holding any lands dedicated or granted by way of endowment for education, the lease whereof shall have been granted prior to the passing of the principal Act, may apply to the Commissioner for permission to surrender his lease in exchange for a perpetual lease.

Educational lease exchanged for perpetual lease.

(2) Every application shall be dealt with in the manner prescribed by sections 39 and 40 of the principal Act, and a perpetual lease shall be granted to the applicant subjecting the lessee to pay yearly in addition to the rent reserved by such lease a sum equal to the land tax if the land tax were payable upon the land included in his lease, but not more than one thousand acres of land which, in the opinion

The Crown Lands Amendment Act.—1893.

PART V.

opinion of the Land Board is fit for cultivation, shall be leased to any applicant pursuant to this section.

(3) No application shall be granted under this section which if granted would cause the applicant to hold under any tenure lands (except city and township lands) the unimproved value of which exceeds Five Thousand Pounds sterling: Provided that it shall not be obligatory for the Land Board to allot to any lessee the whole or any portion of the land surrendered.

Surrender of agreements and leases.

22. Within two years from the passing of this Act any person holding lands under any of the Crown Lands Acts under agreement for purchase, or under lease with a right of purchase, or under perpetual lease, or under lease issued on the surrender of any agreement for purchase, or under agreement for lease of lands reserved for leasing, may apply to the Commissioner for permission to surrender his agreement or lease for a perpetual lease and at a fixed rent, subjecting the lessee to pay yearly in addition to the rent reserved by such lease an amount equal to the land tax which would be payable upon the land included in his lease if the land were subject to the land tax. Every application shall be dealt with in the manner prescribed by sections 39 and 40 of the principal Act; but the rent reserved by the lease to be granted in exchange for a surrendered lease shall in no case be less than the rent covenanted to be paid under the original lease.

Abolition of revaluation as to future perpetual leases.

23. All perpetual leases which shall subject the lessees to liability for a sum equal to the land tax in addition to the rent reserved by the lease, or which shall be granted after lands held under perpetual lease shall have been made subject to the land tax shall be exempt from the provisions of all Crown Lands Acts relating to the revaluation of rent; and the rent originally reserved shall be payable during the whole of the term, with the addition aforesaid.

Lessee of certain forest lands may surrender lease for perpetual lease under Part II. of principal Act.

24. (a) The lessee of any land held under a lease for grazing and cultivation and grazing only heretofore granted under Part V. of "The Woods and Forests Act, 1882," may, with the consent of the Commissioner, surrender his lease for a perpetual lease under Part II. of the principal Act.

(b) The land to be comprised in any perpetual lease of forest land so to be granted shall be land which, in the opinion of the Land Board, is fit for cultivation, and shall be in one block, and limited to two hundred and fifty acres.

(c) The procedure in relation to any such surrender shall be similar to that prescribed in the case of the surrender of a lease with right of purchase for a perpetual lease under this part of this Act.

Upon any such surrender and perpetual lease being executed as to lands vested in the Commissioner of Woods and Forests, the lands affected shall revert to the Crown, and cease to be vested in such Commissioner.

25. Any

The Crown Lands Amendment Act.—1893.

25. Any waste or Crown lands, or any lands set apart, dedicated, or reserved for any of the purposes mentioned in section 6 of the principal Act, except lands dedicated under the provisions of sub-section (*d*) of the said section, may be exchanged for any other lands in the province, subject to the following:

- (a) The Commissioner shall cause plans and a valuation to be made of the lands proposed to be given and of the lands proposed to be taken in exchange:
- (b) A report on the proposed exchange shall be obtained from the Land Board:
- (c) Such plans, valuation, and report, together with a statement of the terms of the proposed exchange shall be laid before both Houses of Parliament for fourteen days, and resolutions approving of such exchange adopted.

After the expiration of such fourteen days the lands proposed to be given in exchange may be granted for an estate in fee simple, or a perpetual lease, or such lesser estate as may have been agreed upon.

26. In all cases in which lands given in exchange were set apart, dedicated, or reserved for purposes, the lands taken in exchange shall be set apart, dedicated, or reserved (as the case may be) for the same purposes.

PART V.
The Government may make exchanges of land.

Lands acquired by the Government to be dedicated for same purposes (if any) as lands alienated.

27. If any land acquired for the purpose of working men's blocks shall not be taken up as such within three years after being so acquired, the same may be let on miscellaneous lease.

Land not taken up as working men's blocks may be let on lease.

PART VI.**MISCELLANEOUS.***Reductions and Remissions.*

28. It shall be lawful for the Commissioner, on the recommendation of the Land Board, or of the Central Land Board, to reduce the rent and purchase-money, and to reduce or remit any arrears of the rent and purchase money payable in respect of any land described in Part I. of the Schedule to this Act, and held under any of the leases specified in Part II. of that Schedule. Any person holding land under any tenure may surrender any portion of such land as the Land Board may recommend, and subject to the consent of the Commissioner. A return of all such reductions and remissions, with the reasons therefor, shall be annually laid before Parliament.

All reductions or remissions heretofore made, and which would be lawful if made after the passing of this Act, are hereby validated and confirmed.

PART VI.

Reductions and remissions of rent and purchase-money of certain lands authorised.

PART VI.

Leases for Grazing and Cultivation.

Amendments of
sec. 118 of Act
444 of 1888.

29. Every miscellaneous lease existing on January first, one thousand eight hundred and ninety-three, or granted since, under any of the Crown Lands Acts for grazing and cultivation purposes, or grazing purposes only, is hereby declared to have been lawfully granted; and every such lease which has been contracted to be granted on the condition that the land thereby demised should be resumed if required for any purpose of public utility shall be read and construed as if such condition was actually inserted therein, and in lieu of any absolute power of resumption that may have been inserted therein.

Miscellaneous leases
to be allotted by
Land Board.

30. In the case of miscellaneous leases for grazing or grazing and cultivation which shall be granted after the passing of this Act, the land shall be allotted by the Land Board instead of the leases being offered for sale by auction.

Amendment of section
48 of Act of 1890.

31. The words "within twelve months from the sixth day of December, one thousand eight hundred and ninety" in section 48 of "The Crown Lands Amendment Act, 1890," are hereby repealed.

Amendment of section
51 of Act of
1890.

32. The words "within twelve months from the passing of this Act" in the ninth line of section 51 of "The Crown Lands Amendment Act, 1890," are hereby repealed.

Amendments: Penalties and Regulations, &c.

Minerals and metals
removed under
section 106 of the
principal Act to
become the licensee's
property.

33. Any minerals or metals removed by the holder of a mineral licence, with the consent in writing of the Commissioner, as provided in section 106 of the principal Act, shall be the absolute property of such licensee.

Compensation on
resumption of land
for other than mining
purposes under s. 30
of principal Act.
See sec. 31 of Act
444/88.

34. In all cases of the resumption of land under section 30 of the principal Act, the lessee shall be entitled to compensation from the Commissioner for any loss sustained by reason of such resumption. The amount of such compensation shall in case of dispute be determined by the Land Board, or at the option of the Commissioner or lessee, as provided for by section 170 of the principal Act: Provided that nothing in this clause shall affect the provisions of any lease heretofore granted.

Amendment of sec.
139 of Act 444 of
1888.

35. The right of purchase given by section 139 of the principal Act is extended to leases of homestead blocks granted under the Acts Nos. 363 of 1885, 393 of 1886, or the principal Act; but nothing in this section contained shall confer a right of purchase in respect of any homestead block situate within a radius of ten miles of the General Post Office, Adelaide.

Declarations, how to
be made.

36. All declarations to be made by any person under any of the Crown Lands Acts may be made before a member of the Land Board, or of the Central Land Board; or before a Justice of the Peace,

The Crown Lands Amendment Act.—1893.

Peace, notary public, or commissioner for taking affidavits in the Supreme Court of the province.

PART VI.

37. Any person wilfully making a false declaration shall be guilty of perjury, and on conviction may be imprisoned, with or without hard labor, for any period not exceeding four years; and any lease or licence under this Act obtained by means of any false declaration shall be liable to forfeiture at the option of the Commissioner.

Penalty for false declaration.

38. The authority and powers conferred upon Crown lands rangers by section 3 of Act No. 8 of 1863, and by Part X. of Act 444 of 1888 are also conferred upon and may be exercised by any district council ranger duly appointed by the council within the district in respect of Crown lands, roads, or reserves under the control of the council, and all penalties incurred within the district, and recovered at the instance of the council or by the district ranger, or any other person authorised by the council under the provisions of Part X. of the Crown Lands Act of 1888, shall be paid to the council and form part of the district council fund.

Powers of district council rangers.

39. Section 24 of "The Education Act, 1875," is hereby repealed, and all lands heretofore granted to the Minister Controlling Education pursuant to the said section, or granted, reserved, or dedicated by way of endowment for education, shall revert to Her Majesty, subject to any existing leases, and such lands shall henceforth be let on perpetual lease, and dealt with under the provisions of this Act: Provided that nothing in this section shall alter the purpose for which any land shall have been reserved, dedicated, or granted pursuant to the said section, or affect the application of the income thereof.

Educational lands to revert to Crown under same trust.

40. The power of making, altering, rescinding, varying, and amending regulations and imposing penalties, conferred by the principal Act, shall extend to all such regulations as to the Governor may appear necessary or advisable for regulating—

Regulations.

- (a) The meetings and proceedings of the Central Land Board:
- (b) The making and dealing with applications, fixing of boundaries, areas, rents, and purchase-money, and the making of valuations and surveys under this Act:
- (c) The form and contents of notices, applications, leases, licences, and all other instruments and documents; the mode and time of executing, serving, or delivering the same:
- (d) The examination of applicants, witnesses, and other persons:
- (e) Surrenders and forfeitures:
- (f) The imposing of penalties;

*The Crown Lands Amendment Act.—1893.*PART VI.

(g) The time and manner in which any act, deed, matter, or thing required by this Act to be done, and as to which no time or procedure is provided, is to be done or performed:

(h) Fees to be paid:

(i) All other matters and things arising under and consistent with this Act not herein expressly provided for, and otherwise fully and effectually carrying out and giving force and effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof.

PART VII.

PART VII.

VILLAGE SETTLEMENTS.

Companies Act not to apply.

41. "The Companies Act, 1892," shall not apply to any association formed under this part of this Act, and no such association shall be capable of being registered or amalgamated with any company registered under such Act.

Formation of Association.

Formation of Association.

42. Any twenty or more persons of the age of eighteen years or upwards, may, by subscribing their names to a memorandum in manner prescribed, form an association for the purpose of village settlement under this part of this Act.

Villager.

43. In this Act "villager" means a member of any such association.

Registration.

44. The memorandum, together with a copy of the rules of the association, subscribed by every villager shall be lodged with the Commissioner and, if approved by him, shall be numbered and filed in the office of the Commissioner, and thereupon the association shall be deemed to be registered.

Name.

45. Every such registered association shall be distinguished by a name denoting the locality of the proposed village, and be called "The _____ Village Association."

Incorporation of Association.

46. Every such registered association shall be a body corporate, with perpetual succession and a common seal, and the right and liability to sue and be sued.

Proclamation of Village.

Proclamation.

47. Upon any association being registered the Governor, by Proclamation, may set apart a portion of Crown lands of sufficient area to provide not exceeding one hundred and sixty acres for each villager, and all such roads and reserves as the Commissioner shall think necessary: Provided that no portions of Crown lands used as travelling stock roads or aboriginal reserves shall be so set apart without the consent of Parliament.

48. The

The Crown Lands Amendment Act.—1893.

PART VII.

Contents of Proclamation.

48. The Proclamation shall set forth—

- (a) The name, situation, and boundaries of the village :
- (b) The names or number of the villagers and the names of the trustees of the association :
- (c) The maximum area of land to be allotted to each villager .
- (d) The nature and aggregate value of the improvements to be made on the land, and the periods within which the same are to be made :
- (e) The rent per acre :
- (f) Such further particulars or conditions as the Governor shall think fit.

49. The lands so set apart shall constitute a village.

Village.

50. The Governor by Proclamation may increase, decrease, or alter the area or boundaries of any village, but so that the area provided for each villager shall not be altered without the written consent of all the villagers.

Area and boundaries.

Lease to Association.

51. Upon any village being proclaimed the Governor may grant to the association a perpetual lease thereof.

Lease to association.

52. Such lease shall be prepared by the Commissioner, and be executed by the association within the time and in manner prescribed.

Execution of lease.

53. The annual rent to be reserved by any such lease shall be that fixed by the Proclamation, after report by the Land Board, but no rent shall be payable under any such lease for the first year of the term.

Rent.

54. Every such lease shall contain covenants on the part of the association—

Covenants.

- (1) That after the first six months from the date of the lease one-half at least in number of the villagers shall reside upon and utilise the land in manner prescribed :
- (2) To pay in advance the rent reserved :
- (3) To pay all rates and taxes, including land tax :
- (4) That every year during the first ten years from the date of the lease the sum of Two Shillings per acre at least shall be expended in improvements upon the land :
- (5) To keep in repair to the satisfaction of the Commissioner all improvements erected or made upon the land :

(6) That

The Crown Lands Amendment Act.—1893.

PART VII.

(6) That the land, or any part thereof, shall not be sublet or disposed of to any person other than a villager :

(7) All such covenants, conditions, and reservations as may be prescribed, or as to the Governor shall seem expedient.

Improvements.

55. “Improvements” for the purposes of this part of this Act shall mean substantial and permanent improvements, consisting of buildings, fencing, dams, tanks, wells, or reservoirs, or clearing, or drainage, or irrigation works.

Labor of villagers.

56. The labor of villagers employed in making improvements on the land may be taken into account in computing the amount expended in making such improvements.

Determination of lease.

57. The Governor may, by Proclamation, rescind the Proclamation of any village, and determine any lease granted under this part of this Act, if the conditions of the lease shall not be well and faithfully observed and performed to the satisfaction of the Commissioner, or if the number of villagers shall by death, retirement, or otherwise be reduced by one-half.

Possession.

58. Immediately after the lease shall be executed the villagers may enter into possession of the village.

Lease not assignable.

59. No such lease shall be capable of being assigned, mortgaged, or encumbered in any manner howsoever.

Advances to Associations.

Advances to association.

60. The Commissioner, out of any funds provided by Parliament, may make advances to registered associations, not exceeding in the aggregate to any one association the sum of Fifty Pounds for every villager, and not exceeding one-half the cost to the association of the improvements thereon.

Purpose of advances.

61. Such advances may be made only for the purpose of providing tools or material or making payment for improvements.

Repayment of advances.

62. All such advances shall be repaid to the Commissioner by ten equal annual instalments, with interest computed at the rate of five per centum per annum on the moneys for the time being remaining unpaid. The first of such instalments shall be payable at the expiration of three years from the date of the advance.

Management of Settlement.

Management of settlement.

63. Subject to this Act and to the rules, the affairs of every association shall be managed by a board of not less than three trustees (one of whom shall be chairman), to be elected by the villagers in manner prescribed by the rules.

Trustees.

64. The names and descriptions of the first trustees shall be stated in the memorandum to be lodged with the Commissioner, pursuant

*The Crown Lands Amendment Act.—1893.*PART VII.

pursuant to section 42, and any change of trustees shall be immediately notified in writing to the Commissioner by the chairman in manner prescribed.

65. The division and allotment of the land in the village for the purpose of possession and user, during the continuance of the lease to the association, and afterwards for the purpose of distribution, shall be decided by the trustees; but no villager shall be allotted a larger area than the maximum prescribed in the Proclamation.

Allotment of land.

66. The surveys necessary for the subdivision of the settlement, in accordance with the allotment of the trustees, shall be made by the Surveyor-General at the expense of the association.

Surveys.

67. Any process or document served upon a trustee of an association shall be deemed to have been duly served upon the association.

Service of process.

68. No villager during the continuance of the lease to the association shall have any separate interest or property, other than the right of possession and user of the part allotted to him, in any land within the village or in any improvements thereon.

No separate interest.

69. The moneys owing to the Commissioner by any association shall be a first charge on the assets of such association in priority to all other creditors.

Advances to be first charge.

70. The villagers shall be jointly and severally liable to the Commissioner for the due repayment of all moneys advanced by the Commissioner for the purposes of the association, and for the due observance and performance on the part of the lessees of all the covenants and conditions of the lease.

Villagers jointly and severally liable.

71. The several liability of each villager shall not exceed an amount to be ascertained by dividing the total liability of the association by the number of the villagers at the time when such liability was incurred.

Several liability of villager.

Rules of Association and Villagers' Leases.

72. The rules of every association shall provide for the management of its affairs for the common benefit of the villagers upon principles of co-operation and equitable division.

Rules.

73. Such rules shall not be filed or acted upon until after they have been submitted to the Commissioner and his approval in writing has been indorsed thereon, and they shall be laid before Parliament within fourteen days of such approval, if Parliament be then sitting, and if Parliament is not then sitting, then within fourteen days from the first meeting of Parliament. And if any such rules are disapproved of within fourteen days after being so laid before Parliament by a resolution of both Houses of Parliament, the rules so disapproved shall have no force or effect after such disapproval.

To be approved by Commissioner.

74. Such

The Crown Lands Amendment Act.—1893.

PART VII.

Matters to be provided for.

74. Such rules shall provide for the following matters:—

- (1) The election of trustees and the period for which they shall hold office :
- (2) The powers and duties of the trustees :
- (3) The retirement and expulsion of villagers from the association :
- (4) The admission of additional and of new members in the place of deceased, expelled, or retiring villagers :
- (5) Meetings of the association, which shall be held once at least in every half year, and the proceedings and voting thereat :
- (6) The proper keeping and audit of the accounts of the association and the rendering of half-yearly reports to the members and to the Commissioner :
- (7) The apportionment of the work of the settlement among the villagers :
- (8) The employment of the funds of the association :
- (9) The declaration and payment of dividends, or other division of the profits of the concern :
- (10) The appointment and dismissal of all necessary officers and servants :
- (11) The establishment, management, and control of trades and industries within the village :
- (12) The making of new rules, and altering and rescinding of the rules of the association.

Rules not to be repugnant to law.

75. No such rule shall be repugnant to this or any other Act of the Legislature of the said province, or to the general spirit and intendment of the laws in force in the said province.

Penalty.

76. The rules may provide a penalty not exceeding Ten Pounds for any breach or non-observance thereof by any trustee or villager, in addition to or in lieu of any other forfeiture thereby provided.

Arbitration.

77. All disputes of a civil nature between villagers arising out of the affairs of the association shall be settled by arbitration and umpirage of any three or more villagers not parties to such disputes in manner provided by the rules.

Common fund.

78. The rules may require payment to a common fund, or otherwise as may be determined, of all or any part of the earnings of the villagers whether earned within the village or elsewhere.

Association may be dissolved.

79. The rules may also provide for the dissolution of the association and for division of the land and assets of the association between the villagers.**80.** If

The Crown Lands Amendment Act.—1893.

80. If the rules provide for dissolution of the association, then at the time appointed for the dissolution, if the advances made by the Commissioner to the association have been repaid, and all rent and interest moneys have been paid, and the conditions of the lease complied with to the satisfaction of the Commissioner and the liabilities of the association discharged, the Governor may cancel the lease to the association, and may grant to the villagers entitled thereto in accordance with such division perpetual leases, hereinafter called "villagers' leases." The area leased to any villager under a villagers' lease shall not exceed the maximum limited by the Proclamation.

PART VII.

Villagers' leases.

81. Villagers' leases shall be prepared by the Commissioner, and shall, except as provided in section 83, contain the like covenants and conditions as are prescribed for perpetual leases granted under Part II. of the principal Act, and shall be executed within the time and in manner prescribed.

Conditions and covenants.

82. The rent reserved by a villager's lease shall be at the same rate per acre as was payable under the perpetual lease granted to the association.

Rents.

83. No lease granted pursuant to this part of this Act shall be subject to revaluation for rent, but every such lease shall contain a covenant subjecting the lessee to liability to pay yearly in addition to the rent reserved by such lease an amount equal to the land tax, which would be payable upon the land included in his lease if the land were subject to the land tax.

No revaluation, but liability for tax.

84. Upon the villagers' leases being duly executed, the Governor, by Proclamation, may dissolve the association, and thereby the villagers shall be released from all liability except under the villagers' leases, and thereupon any portion of the land comprised in the village, but not included in any villager's lease, shall be deemed to be Crown lands.

Association how dissolved.

85. The rules of every association shall be published in the *Government Gazette*, and shall have the force of law unless and until disapproved of by a resolution of both Houses of Parliament.

Rules to be gazetted.

86. Every villager shall be supplied by the association with a copy of the rules of the association.

Rules to be supplied to villagers.

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

S. J. WAY, Lieutenant-Governor.

THE SCHEDULE.

PART I.

Section 23.

1. Land within any hundred.
2. Land for which notice of resumption has been served, and situate within an average of twenty miles from the eastern boundaries of the hundreds of King, Rees, Tomkinson, Ketchowla, Hardy, Nackara or Paratoo; or within twenty miles from the eastern boundary of the hundred of Waroonee; or within ten miles from the northern boundaries of the hundreds of Waroonee, Minburra, and part of the Yalpara; or within eleven and one-half miles from the western boundary of the hundred of Woolyana; or within nine miles from the western boundary of the hundred of Barndioota; or within nine miles from the north boundary of the hundred of Forrest; or lying to the east of the hundred of Forrest, of an average width of ten miles, and extending northward from the northern boundary of the hundred of Rounsevell to the county boundary of Robinson.
3. Land situate on either side of the line of railway between Murray Bridge and the eastern boundary of the province, and being not more than seven miles distant from such line.
4. Land situate upon Thistle Island, Flinders Island, Spilsby Island, or Wedge Island.

PART II.

Leases for grazing and cultivation, Miscellaneous leases for grazing or cultivation, Selectors' leases, Scrub leases, Ten years' leases with right of purchase.	}	Granted before the 8th day of December, 1888.
---	---	--