



ANNO SECUNDO

GEORGI V REGIS.

A.D. 1911.

No. 1052.

An Act to further amend "The Advances to Settlers on Crown Lands Act, 1908," and for other purposes.

[Assented to, December 7th, 1911.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as "The Advances to Settlers on Crown Lands Act Amendment Act, 1911." Short title.

(2) "The Advances to Settlers on Crown Lands Act, 1908" (hereinafter called "the principal Act"), and this Act may be cited together as "The Advances to Settlers on Crown Lands Acts, 1908 and 1911." No. 960 of 1908.

2. This Act is incorporated with the principal Act, and the principal Act and this Act shall be read together as one Act. Incorporation with principal Act.

3. "The Advances to Settlers on Crown Lands Act Amendment Act, 1909," is repealed. Amending Act, No. 994 of 1909, repealed.

4. The definition of "Crown lands" in section 2 of the principal Act is repealed, and the following definition is hereby substituted in the place thereof, namely:— Definition of "Crown lands."

"Crown lands" includes—

(a) Crown lands within the meaning of "The Crown Lands Act, 1903." No. 830 of 1903.

(b) Lands

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- No. 953 of 1908. (b) Lands belonging to the Crown which are subject to agreements or leases granted by or on behalf of the Crown under any Act or otherwise, including (though without limiting the effect of this definition) lands subject to leases granted under "The Irrigation and Reclaimed Lands Act, 1908," and
- No. 830 of 1903.
No. 1032 of 1910. (c) Lands repurchased under Part X. of "The Crown Lands Act, 1903," or "The Closer Settlement Act, 1910," or any amendment of either of those Acts, or for the purposes mentioned in the said Part X. under any Act or otherwise.

Amendment of section 13 of principal Act.

5. Section 13 of the principal Act is hereby amended so as to read as follows:—

Advances to settlers.
Cf. W.A. Act 50,
1909, s. 4.

13 (1) Subject to the provisions of this Act, the Board may, in its discretion, make advances to any settler on the prescribed security for—

- (a) Making improvements on his holding, such as ring-barking, clearing (including rolling or logging down and burning), grubbing, fencing, draining, erecting or making permanent water improvements (such as dams, wells, tanks, watercourses, windmills, and the like), boring for water, erecting permanent buildings, or such other improvements as are prescribed; or
- (b) Stocking his holding; or
- (c) Discharging any mortgage already existing on his holding.

(2) Advances may be made to a settler for the purposes mentioned in subdivision (a) of subsection (1) hereof—

- I. Of any amount, not exceeding Four Hundred Pounds, up to the fair estimated aggregate value of such settler's lease or agreement and any improvements already made on his holding and those in the course of being made thereon, and
- II. In case such fair estimated aggregate value is in excess of Four Hundred Pounds, of any further amount, not exceeding Two Hundred and Fifty Pounds, up to three-fourths of the amount of such excess.

(3) Advances may be made to a settler under subdivision (b) of subsection (1) hereof of any amount, not exceeding Two Hundred Pounds.

(4) Advances may be made to a settler under subdivision (c) of subsection (1) hereof of any amount, not exceeding three-fourths of the fair estimated aggregate value of his lease or agreement and any improvements already made on his holding.

(5) Notwithstanding

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(5) Notwithstanding anything in this section—

- (a) When a settler's holding is held under "The Irrigation and Reclaimed Lands Act, 1908," the total amount of the advances under that Act and this Act shall at no time exceed Six Hundred Pounds, and
- (b) At no time shall the total amount of the advances under this Act to any settler exceed Eight Hundred and Fifty Pounds.

(6) When a holding is held by two or more persons, each of such persons shall, for the purpose of estimating the limit of the amount of the advances which may be made to him, be deemed to be one settler; and for the said purpose the improvements on such holdings, or in course of being made thereon, shall be deemed to belong to such persons in the proportions of their respective interests in the lease or agreement under which they hold.

6. When an advance has been made to a settler for the purpose of stocking his holding, such settler shall repay to the Board such advance, together with simple interest on the balance thereof for the time being unpaid at the rate of five per centum per annum, within such time and by such instalments and subject to such conditions as the Board may determine.

Board to determine mode of repayment of advances made for stocking.
Cf. W.A. Act 15, 1906, s. 34.

7. Section 19 of the principal Act is hereby amended so as to read as follows:—

Amendment of section 19 of principal Act.

19. (1) When an advance has been made upon the security of a mortgage of a holding the freehold whereof may under any Act be acquired from the Crown, the grant in respect of such holding shall not be issued while such mortgage is in existence, except to the Board, nor unless it bears an indorsement showing that it is subject to the mortgage.

Perfecting security over holding when freehold acquired subsequent to mortgage.
Cf. Advances for Homes Act, 1910, s. 18.

(2) When an advance has been made upon the security of a mortgage of a lease over a holding, no fresh lease of the holding shall be issued while such mortgage is in existence, except to the Board, nor unless it bears an indorsement showing that it is subject to the mortgage.

(3) When a grant or fresh lease has been indorsed as mentioned in this section, such grant or lease shall be subject to the mortgage as if it were expressly charged thereby; and, notwithstanding the provisions of "The Real Property Act, 1886," the Registrar-General shall make any entry in the Register Book which may be necessary for the purpose of showing that the grant or fresh lease is subject to the mortgage.

No. 380 of 1886.

(4) The Board shall be entitled to retain possession of every such grant or fresh lease while such mortgage is in existence.

8. Section

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8. Section 20 of the principal Act is hereby amended so as to read as follows:—

Power for Board
to acquire freehold.

Amendment of section
20 of principal Act.

20. (1) Where an advance has been made upon the security of a mortgage of a holding the freehold whereof may under any Act be acquired from the Crown, the Board may, at any time and notwithstanding the provisions of any Act, acquire the freehold of the holding on behalf of the mortgagor or his successor in interest, and for that purpose may make all such payments to the Crown and otherwise as are necessary.

(2) All payments so made by the Board shall be added to and become part of the mortgage debt, notwithstanding that the amount of the advance is thereby increased beyond the limits prescribed by section 13.

(3) The grant of the holding shall be delivered to the Board, and shall bear an indorsement showing that it is subject to the mortgage, and thereupon the provisions of subsections (3) and (4) of section 19 shall apply in respect of the grant.

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

DAY H. BOSANQUET, Governor.