



ANNO QUINQUAGESIMO ET QUINQUAGESIMO
PRIMO

VICTORIÆ REGINÆ.

A.D. 1887.

No. 420.

An Act to amend "The Crown Lands Consolidation
Act, 1886."

[Assented to, December 9th, 1887.]

WHEREAS it is desirable to amend "The Crown Lands Con- Preamble.
solidation Act, 1886"—Be it therefore 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:

I.—Preliminary.

1. This Act may be cited for all purposes as "The Crown Lands Short title.
Amendment Act, 1887."

2. In the construction of this Act (except where the subject- Interpretation.
matter or context or other provisions hereof require a different con-
struction) the following terms, in inverted commas, shall have the
respective meanings hereby assigned to them, that is to say:—

"The Board" shall mean the South-Eastern Land Board, authorised
to be appointed under this Act:

"The principal Act" shall mean "The Crown Lands Consoli-
dation Act, 1886":

"Vermin" shall mean and include wallabies, and all other
marsupials, except kangaroos and rock wallabies, dingoes

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(or native dogs), dogs run wild, dogs at large, foxes, rabbits, hares, and any other animals which the Governor may, by Proclamation, declare to be vermin for the purposes of this Act:

And in the construction of the principal Act the term "Crown Lands Acts" shall include this Act.

Incorporation.

3. Except so far as inconsistent therewith this Act shall be incorporated and read with the principal Act as forming one Act.

II.—Lands Reserved for Leasing.

Leases of lands reserved for leasing not to be offered by auction in the first instance.

4. Notwithstanding anything contained in Part III. of the principal Act, leases of lands reserved for leasing shall not be offered for sale by auction after the coming into operation of this Act.

Notice to be given that lands reserved for leasing are open for lease.

5. The Commissioner shall, by notice in the *Government Gazette* describing generally the lands reserved for leasing referred to, and stating the area of the blocks and the rent (which shall be fixed by the Commissioner according to the quality of the land and the value of the improvements, if any, thereon) at which the same are offered, from time to time declare that such lands shall be open for lease up to a date not less than eight weeks from the first publication of such notice. Every such notice shall be published in the *Government Gazette* at least four times.

Applications how made.

6. Applications for any such lease may be made to the Commissioner by letter, enclosing the amount of one year's rent as notified in the *Government Gazette*, and giving the names, addresses, and occupations of the applicants. The Commissioner shall lay all such applications before the Board hereinafter mentioned. All money received with any unsuccessful application shall be returned to the applicant within seven days after the application shall have been disposed of.

Governor may appoint Board.

7. It shall be lawful for the Governor to appoint a Board which shall consist of five members, two of whom shall be residents of the South-Eastern District, and shall be called "The South-Eastern Land Board."

Board to determine on applications.

8. The Board shall meet whenever summoned by the Commissioner, and shall consider the applications received and decide upon the leases to be granted, and the persons to whom the same shall be granted, and may, if they think fit, require the personal attendance of, and examine, applicants for any lease, and may reject the applications for any lease, and the decision of the Board, or a majority thereof, shall in all cases be final; and all such meetings shall be open to the public, and the Board shall cause a register to be kept in which shall be entered minutes of all its proceedings and records of all its decisions.

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9. The Board shall have power, with the approval of the Commissioner, in all cases where more than one application is made for the same block to subdivide such block and to determine the rent to be paid in respect of each subdivision of such block.

Board to have power to subdivide blocks.

10. Leases of the lands reserved for leasing so applied for shall be granted, pursuant to Part III. of the principal Act, to such persons as the Board shall determine.

Leases to be granted.

11. Three members of the Board shall form a quorum, and shall have, and may exercise, all the powers and authorities vested in the Board. Every appointment of a member of the Board shall be for one year only, but every member retiring by effluxion of time shall be eligible for re-appointment.

Quorum of Board.

12. In case no application shall be made for a lease of any block within three calendar months after the notice in the *Government Gazette*, a lease of such block may be offered at such reduced rent as may be decided upon by the Board, with the approval of the Commissioner.

If no application made, lease to be offered again.

13. It shall be lawful for the Governor on the request of the Board to reduce the rent payable under any lease of lands reserved for leasing: Provided that in no case of drainage or first-class lands shall such rent be reduced below Sixpence per acre per annum, and a return of all reductions, with the reasons therefor, shall be annually laid before Parliament within one month after the opening of Parliament for the dispatch of business.

Reduction of rent.

III.—Special Leases to encourage Tree and Fruit Growing, and other similar Industries.

14. Notwithstanding anything contained in the principal Act, all Crown lands within the boundaries described in the First Schedule to this Act, and any other lands which the Governor may, by Proclamation, declare to be open for lease under this part of the Act, may be offered on lease for a term of twenty-one years, at the upset rent of Twopence per acre per annum, with a right of purchase, exercisable at any time after the expiration of ten years of the term, at not less than Ten Shillings per acre: Provided that no such Proclamation shall be issued until a description of the land proposed to be offered has been laid before Parliament for not less than one month.

Lands in First Schedule may be leased with a right of purchase at 10s. per acre.

15. The size and shape of the blocks of such lands shall be determined by the Commissioner, but no block shall exceed in area one thousand acres, except the land contained in the First Schedule, and no lessee shall hold more than one block, except of such land.

Commissioner to fix size of blocks.

16. The Commissioner shall, by notice in the *Government Gazette* describing generally the lands referred to, and stating the upset annual rent at which the blocks are offered, from time to time declare that

Notice of sale to be published in *Gazette*.

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that leases of such lands shall be open for sale by auction at a date not less than eight weeks from the first publication of such notice. Every such notice shall be published in the *Government Gazette* at least four times prior to the sale.

Competition to be in advance of the upset annual rent.

17. The competition at such auction shall be in advance of the upset annual rent, and the person who shall be entitled to such lease shall be the person who at such auction shall offer the highest annual rent for the land, but if there shall be no competition, the person who shall bid the upset price shall be the purchaser.

Rent payable annually in advance.

18. The rent shall be payable annually in advance, and the first year's rent shall be paid by the purchaser on the day of sale.

Covenants in lease.

19. Every such lease shall contain covenants by the lessee to take possession of the leased land within three months from the day of sale; to pay the rent annually in advance; to pay all rates, taxes, and other impositions which may be payable in respect of the leased land during the lease; to fence the leased land within the first twelve months of the term with a vermin-proof fence; immediately after taking possession at once to commence to destroy, and to the satisfaction of the Commissioner to continue to destroy, and within three years from the date of the lease to have destroyed, the vermin on the leased land, and to keep the same free of vermin to the satisfaction of the Commissioner during the currency of the lease; to plant and keep planted, as prescribed by regulations to be made, at least one-twentieth part of the leased land during each year of the term until three-fourths of the leased land shall be planted, with wattles, olives, vines, fruit trees, vegetables, roots, corn, grasses, or such other trees or plants adapted to the natural capabilities of the soil as may from time to time be allowed by the Commissioner; to keep and maintain all improvements at any time during the lease on the leased land in good repair and condition; to insure and keep insured, in the full value thereof, all buildings and fences (if any) which shall at any time during the lease be upon the leased land, in the joint names of the Commissioner and the lessee, in some insurance office to be approved by the Commissioner, and forthwith lodge the policy of such insurance in the office of the Commissioner, and to forward to the Commissioner the receipts for the premiums payable in respect of such policy within seven days after the same shall become due; and shall also contain a power for the Commissioner to insure on default by the lessee, and to recover the amount paid for such insurance in like manner as the rent is recoverable, and such other powers and conditions as the Governor may deem proper.

Power to resume land for public purposes.

20. The Governor may resume, for roads or railways, or other public purposes, the whole or, from time to time, any portion of the land subject to the lease: Provided that at least one month's notice of the intended resumption shall be given to the lessee. In case of resumption the lessee shall be paid compensation for the loss he shall sustain

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sustain thereby, and in case of dispute, such compensation shall be determined in manner provided by section 192 of the principal Act.

21. In case the lease of any such land shall not be sold at auction when offered at Twopence per acre per annum, the Commissioner may cause the same to be again offered at auction in manner aforesaid at the upset annual rent of Three Halfpence per acre; and in case the lease shall not be sold when offered at Three Halfpence per acre per annum, the Commissioner may cause the same to be from time to time again offered at auction in manner aforesaid, at such upset annual rent, not being less than One Penny per acre, as he shall think fit.

If lease not sold, may be offered at reduced rent.

22. Wherever any such lease shall have been offered for sale at auction and not sold, and shall not at the time be again declared to be open for sale by auction, such lease may be taken up by private contract on the terms and at the upset rent at which the same was last offered for sale by auction, unless the Commissioner shall decide that the land shall not be further dealt with under this part of the Act. The mode of so taking up any such lease shall be prescribed by regulation.

Leasing by private contract.

23. The Commissioner may, in writing, wholly or partially remit the covenant for planting and keeping planted, contained in any such lease, in any case where it shall be proved to his satisfaction that the land is unsuitable, or that by reason of any special circumstances it would be impossible to comply with, or would inflict great hardship upon the lessee to enforce such covenant, and shall cause a return of all such remissions and the reasons therefor to be annually laid before Parliament within one month after the opening of Parliament for the dispatch of business.

Commissioner may remit certain covenants.

24. No lessee under any lease with a right of purchase of lands within the boundaries described in the First Schedule to this Act, shall by virtue of such lease be entitled to any right of commonage or to depasture any cattle or sheep on the Crown lands within any hundreds.

Lessee not entitled to commonage.

IV.—Sale of Lands.

25. All purchase-moneys arising from the sale of lands shall form a fund primarily applicable to the payment of such portion of the public liabilities as shall hereafter be specially charged thereon.

Purchase-moneys to be applied primarily to payment of public liabilities.

26. Notwithstanding anything contained in the principal Act, all lands, to be defined as hereinafter provided, may, under and subject to the following conditions, be sold for the purpose of forming a fund for the payment of the deficit in the revenue existing on the thirtieth of June, one thousand eight hundred and eighty-seven, or the moneys secured by Treasury Bills issued in respect thereof.

Lands may be sold to pay deficit.

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Plan and return to be laid before Parliament.

27. The land to be sold pursuant to the preceding section shall be defined in a plan and return to be laid before both Houses of Parliament, and such return shall state the price or upset price, terms, conditions; and mode in which it is proposed that the same shall be sold, and no such land shall be sold until such return shall have been laid before both Houses of Parliament, whilst in Session, for one calendar month, nor shall any land so defined be sold pursuant to this part of this Act, unless a resolution affirming the expediency of selling the same shall have been passed by both Houses of Parliament.

V.—Grazing and Cultivation Lands.

Removal of restriction as to size of blocks.

28. Notwithstanding anything contained in the principal Act, grazing and cultivation lands may be offered on lease in blocks of more than twenty thousand acres each whenever, by reason of the proportionate value of the improvements on such blocks, the Commissioner may deem it expedient.

Amendment of section 74 of Act 321 of 1886.

29. Section No. 74 of the Crown Lands Consolidation Act of 1886 is hereby amended, by inserting in lieu of subdivision (c.) the following subdivision:—(c.) Under grazing and cultivation lease, one or more blocks, not exceeding in the aggregate twenty thousand acres, so long as the said blocks shall not be more than ten miles apart, and except where land shall be offered in pursuance of section 28 of this Act.

Land Board to be increased to five members.

30. The Land Board appointed under the principal Act shall be increased to five members, of whom the present members shall be three, and the other two shall be appointed by the Governor. Three members of such Board shall form a quorum, and shall have and may exercise all the powers and authorities by the principal Act vested in the said Land Board.

VI.—Pastoral Leases.

Governor may accept surrender of pastoral leases without notice.

31. The Governor may, in any case where he thinks it expedient, accept a surrender of any lands comprised in any pastoral lease, if such lands shall be contiguous to other lands resumed by the Government, or held by the same lessee under another pastoral lease expiring at or about the time of the acceptance of such surrender, and may thereupon resume possession of the land comprised in such lease: Provided that this section shall not apply to any lease which by effluxion of time would expire after thirty-first December, one thousand eight hundred and ninety-three.

Payment for improvements on such surrender.

32. In any such case the pastoral lessee shall be entitled to receive the same payment for improvements as he would have been entitled to if the lease so surrendered had at the time of surrender expired by effluxion of time: Provided that no payment for improvements shall be made until the land comprised in such surrendered lease be either let or sold, or the lease thereof shall expire by effluxion of time as aforesaid, but the valuation shall be made so soon as practicable after such surrender.

33. In

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33. In the event of the surrender of any land included in any one or more of the several pastoral leases specified in the Third Schedule hereto, new leases of any such land may be granted to the persons entitled thereto for an extended term, expiring on the thirty-first day of December, one thousand eight hundred and ninety-five.

Extension of term of leases specified in Third Schedule.

34. Section 109 of "The Crown Lands Consolidation Act, 1886," is hereby amended by striking out the words "six months" occurring after the words "not later than" in the second line of the said section: Provided that new leases of land in respect of which reports of the Pastoral Board have heretofore been laid before Parliament shall be offered for sale at least six calendar months before the expiration of the existing leases.

Amendment of section 109 of Crown Lands Consolidation Act, 1886.

VII.—Miscellaneous Leases.

35. Notwithstanding anything contained in Part x. of the principal Act, it shall be lawful for the lessee, under any miscellaneous lease granted for grazing purposes only, to cultivate the whole of the land comprised in the lease, and cultivation of such land shall not render the lease liable to forfeiture: Provided that no timber shall be cut down or destroyed without the consent of the Commissioner.

Lessee of grazing lands may cultivate.

VIII.—Educational Leases.

36. Whosoever shall unlawfully depasture any cattle or sheep, goats or pigs on any lands vested in the Commissioner of Educational Lands shall forfeit and pay, on conviction, the following penalties, that is to say:—For the first offence a sum not exceeding Five Pounds; for the second offence a sum not less than Five Pounds nor more than Ten Pounds; and for the third and any subsequent offence a sum not less than Twenty Pounds nor more than One Hundred Pounds; and in addition thereto for each offence a sum of Threepence per head for every head of sheep, goats, or pigs, and One Shilling and Sixpence for every head of cattle so unlawfully depastured.

Penalty for unlawfully depasturing on Educational lands.

IX.—Maximum Area and Residence Provisions.

37. Notwithstanding anything contained in the principal Act any person who shall, at the time of the passing of this Act, hold under any of the Crown Lands Acts first-class lands only, or second-class lands only, and any person who shall at any time hold under any of such Acts lands only (not exceeding one thousand acres) situate within the boundaries described in Schedule B to the principal Act, and which were previously held under agreement and surrendered in exchange for a lease, may in addition hold under selector's lease one block of lands reserved for leasing other than drainage lands; and residence by any such person on any such first-class or second-class, or surrendered lands shall be considered residence by such person on such land reserved for leasing held by him and *vice versa*.

Lands reserved for leasing (not being drainage lands) may be held in addition to other lands.

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Residence conditions in agreements and leases.

38. Section 79 of the principal Act is hereby amended by striking out the first subdivision, and by inserting in lieu thereof the following subdivision:—

- (1) Residence on any land held under a selector's agreement or selector's lease shall be considered residence on all lands held by the same person under selector's agreement or selector's lease, and such residence shall continue to be so considered during the currency of any such agreement or lease, notwithstanding such person may complete or have completed the purchase of the land on which he shall reside.

Grazing and cultivation lands may be held in addition to other lands.

39. Notwithstanding anything contained in the principal Act, any person holding lands under selector's agreement, or scrub lease, or under every grant made under selector's agreement, or scrub lease, or under selector's lease of lands previously held under agreement and surrendered in exchange for a lease, may in addition hold land under a grazing and cultivation lease; and residence by any such person on any land so held by him under selector's agreement, scrub lease, or selector's lease, shall be considered residence by such person on all lands held by the same person under grazing and cultivation lease and *vice versa*.

Residence on lands under agreement in Schedule B to be residence on surrendered lands within Schedule.

40. Residence by any person on any land under agreement within the boundaries defined in Schedule B to the principal Act, shall be considered residence by such person on all lands within such boundaries held by the same person under selector's lease of lands previously held under agreement and surrendered in exchange for a lease and *vice versa*.

Residence in Hundred of Lacepede.

41. Residence on any land in the Hundred of Lacepede shall be considered residence on any land situate within the limits described in the Second Schedule hereto for all the purposes of any condition of residence affecting such last-mentioned land.

Purchase price of working men's blocks.

42. The price at which the right of purchase of any working man's block is exercisable shall be fixed at the time when the lease is offered for sale. In the case of working men's blocks heretofore leased, the price at which the right of purchase is exercisable shall be fixed within six months of the passing of this Act.

X.—Regulations.

Regulations.

43. The power to make regulations given to the Governor by section 217 of the principal Act, shall extend to making regulations for prescribing the manner and extent of planting and keeping planted lands leased under this Act to encourage tree and fruit growing, and other industries; for prescribing the mode of application for taking up leases of such lands; and generally for more fully carrying into effect the provisions and objects of this Act.

44. Any

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44. Any lessee of Crown lands who may erect a new rabbit-proof boundary fence, or make an existing boundary fence rabbit-proof, shall be entitled to recover from the owner or lessee of the land adjoining such boundary fence half the cost of such new fence, or of making such existing boundary fence rabbit-proof: Provided that notice of intention to erect such new fence, or to make such existing fence rabbit-proof, shall have been given in writing to such owner or lessee at least one calendar month before such fence shall have been erected or made rabbit-proof. For the purposes of this section, "boundary fence" shall mean any fence on the boundary between Crown lands leased to the lessee, and the land of any other owner or lessee; "rabbit-proof" shall mean ordinarily capable of resisting the trespass of rabbits; and notices may be served either personally, or by being posted in any post office, addressed to the person for whom the same is intended, at his last known or most usual place of address.

Recovery of half cost of rabbit-proof fence.

Notice to be in writing.

"Boundary fence" definition.

"Rabbit-proof" definition.

45. Schedule C of the principal Act is hereby amended by adding a fourth subdivision thereto as follows:—"4. Flinders Island."

Schedule C of principal Act—Addition to.

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

WM. C. F. ROBINSON, Governor.

SCHEDULES.

THE FIRST SCHEDULE.

HUNDRED OF BOOTHBY.—Comprising the whole of blocks A, B, C, D, E, and F.

HUNDRED OF BURDETT.—Comprising the whole of blocks 1, 2, and 3.

HUNDRED OF COOLINONG.—Comprising the whole of sections 20, 21, 22, 23, 33, 34s, 35, 36, 37, 39, 40, 41, 42, 43, 44, and 45, and that portion of the hundred south of sections 39, 40, 41, 42, 43, 44, and 45, and east and south of block A (miscellaneous lease 3323), exclusive of sections 600 and 601 and reserve adjoining said sections.

HUNDRED OF FORSTER.—Comprising that portion of the hundred south of road south of sections 100 and 97, east of road east of sections 85 and 78, north of road north of sections 69 and 66, and west of road running northerly from the north-eastern corner of section 66 to the south-eastern corner of section 100; also that portion of the hundred east of road east of sections 1 and 66 and south of road running east-north-easterly from the north-eastern corner of section 66 to the east boundary of the hundred.

HUNDRED OF GLEN ROY.—Comprising the whole of blocks I, L, and M.

HUNDRED OF HYNAM.—Comprising the whole of sections 210NE, 210SW, 211, 212NE, 212SW, 215, 216, 219, 220, 223, 226, 228, 229, 230, 231, 232, 233, 234, 238, 239, 249, 251, 252, 262W, 272, 273, 290, 291, 292, 293, 302, 303, 304, 322, 323, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 346, 347, 348, 349, 351, 352, and 353; the whole of the miscellaneous lease blocks 2, 4, and 5; and the whole of blocks A, B, C, D, E, R, S, T, U, V, W, X, Y, and Z.

HUNDRED OF NANGKITA.—Comprising the whole of sections 192, 208, 239, 240, 241, 242, 243, 248, 250, 254, 257, 262, 263, 265, 272, 2004, and 2035.

HUNDRED OF NILDOTTIE.—Comprising the whole of sections 7, 8, 9, 10, 11, 12, 31, and 52.

HUNDRED OF WIRREGA.—Comprising the whole of blocks B, C, D, E, F, G, J, and K.

OUT OF HUNDREDS.—Comprising that portion of the province formerly held under pastoral lease 5032, and those portions formerly held under pastoral leases 2253, 2359, and 2623 north-east of a line seven miles north-east of and parallel to the Adelaide and Melbourne railway line.

THE SECOND SCHEDULE.

Comprising all that portion of the hundred of Lacepede—west of road west of sections 42, 446, 442, and 434; south of road south of portion of section 428; west and south of roads south-west of section 428; east of sections 514 and 513; north of road north of sections 61, 63, and 66; north-east of road north-east of sections 67, 87, and 88; east of road east of sections 110, 193, 259, and 339; south of road south of sections 383, 389, and miscellaneous lease No. 2967; south-east of road south-east of sections 506, 504, and portion of section 249; north of road north of portion of the north boundary of the hundred of Mount Benson; west of sections 13 and 23; north of road north of sections 23, 34, and 41; north-east of portion of road north-east of the railway line from Kingston to Naracoorte; exclusive of all necessary roads and reserves.

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THE THIRD SCHEDULE.

Schedule of Pastoral Leases, the terms of which are extended to December 31st, 1895.

No. of Leases.	Names of Lessees.	Present Date of Expiry of Leases.
1656.....	John Holland Robertson William Robertson Robert Robertson	December 31st, 1888
1657... ..	John Holland Robertson William Robertson Robert Robertson	December 31st, 1888
1657c	John Holland Robertson William Robertson Robert Robertson	June 30th, 1891
1809.....	John Holland Robertson William Robertson Robert Robertson	December 31st, 1889
1816.....	John Holland Robertson William Robertson Robert Robertson	June 30th, 1890