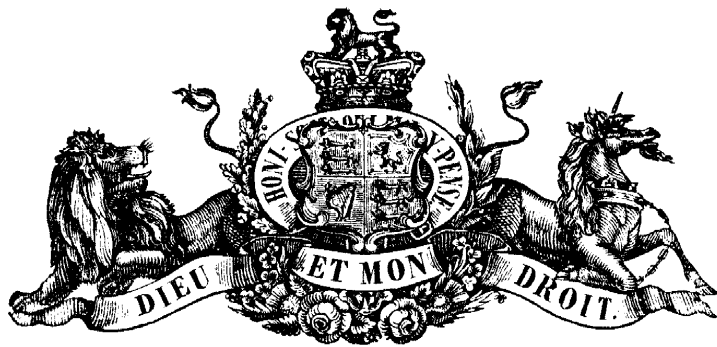


No 311 of '84, sch 22



ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1858.

No. 18.

*An Act to amend the "Waste Lands Act."*

[Assented to, 24th December, 1858.]

WHEREAS it is expedient to amend the Waste Lands Act in the manner hereinafter provided—Be it therefore Enacted, by the Governor-in-Chief 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 :

*Left to the operation*  
Preamble. *14 Aug 1859*

1. Anything in the said Act to the contrary notwithstanding, it shall be lawful for the Governor, if he shall think fit, whenever any lease for pastoral purposes shall have been determined by reason of the land thereby demised having been included in any Hundred, to grant annual leases for pastoral purposes of the land demised by such lease to the former lessee thereof, or his assigns, during the residue of the term by such lease granted, without such land having been first offered to be let to the person bidding the highest rent for the same at public auction : Provided that every such annual lease shall be subject to the rights of commonage of purchasers of land within such Hundred as the same now exist, or may from time to time be declared by any regulations to be issued under authority of this or the beforementioned Act.

Certain annual leases may be granted without auction.

2. If any person shall be in the unlawful occupation of any of the waste lands of the Crown in the said Province, or in the occupation of any such lands in virtue or under color of any demise or licence, although such demise or licence shall have been forfeited, or although the conditions thereof shall have been broken or unfulfilled, or although such demise or licence shall have expired by effluxion

Justices may dispossess persons unlawfully occupying waste lands.

effluxion of time or otherwise, it shall be lawful for any two or more Justices of the Peace for the said Province, upon the information of the Commissioner of Crown Lands and Immigration, or of any person authorized by him in that behalf, to hear and determine in a summary way the matter of such information, and to issue a warrant, under their hands and seals, directed to some one or more constable or constables, authorizing or directing him or them to dispossess and remove any such person from such waste lands as he shall be so in the occupation of, as aforesaid.

Penalties for the unauthorized occupation and use of Crown Lands, and making false declaration of commonage.

5. Any person, unless claiming under a sale or demise from Her Majesty, or from some person acting in the name and on behalf of Her Majesty, who shall be found unlawfully occupying any waste lands of the Crown in the said Province, either by residing or by erecting any hut or building thereon, or by clearing, enclosing, or cultivating any part, or who may or shall knowingly make any false declaration with regard to commonages in Hundreds, or who shall unlawfully depasture any cattle on such land, shall be liable, on conviction thereof, to the penalties following: that is to say—for the first offence, a sum not exceeding Ten Pounds; for the second offence, a sum not exceeding Twenty Pounds, nor less than Ten Pounds; and for the third or any subsequent offence, a sum not exceeding Fifty Pounds, nor less than Twenty Pounds: Provided always, that no information shall be laid for any second or subsequent offence until the expiration of fourteen clear days from the date of the previous conviction.

Governor may make regulations affecting and defining the issue of depasturing, gold, timber, and mineral licences.

4. It shall be lawful for the Governor, by and with the advice of the Executive Council, by proclamation published in the *South Australian Government Gazette*, to make, vary, and alter such orders and regulations as to him shall seem meet, for the purpose of annually determining the number and description of cattle to be depastured on the commons of any Hundred, and apportioning the common of pasturage among the occupiers, and protecting them in the enjoyment of the same; and also, from time to time, to make, vary, and alter, regulations affecting the issue of gold, timber, and mineral licences; which orders and regulations, when so proclaimed and published in the *Government Gazette*, shall have the force and effect of law.

Governor may fix higher upset price for suburban land than the lowest upset price fixed for Waste Lands.

5. It shall be lawful for the Governor to distinguish as suburban land any land offered for sale which is situate within such distance as the Surveyor-General may deem necessary, from the nearest limit, either of any existing township especially named and described, or of any locality designated as the site of any township to be thereon erected, and to fix as the upset price of such suburban land, a price higher than the lowest upset price of Waste Lands within the said Province.

Commencement of Act.

6. This Act shall take effect from the passing thereof.