



ANNO TRICESIMO SEPTIMO ET TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1874.

No. 22.

An Act to Amend "The Waste Lands Alienation Act, 1872."

[Assented to, 6th November, 1874.]

WHEREAS it is expedient to amend "The Waste Lands Alienation Act, 1872"—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:

Preamble.

Definition of Waste Lands:

1. From and after the passing of this Act, the definition of the term "Waste Lands," as set forth in section 2 of "The Waste Lands Alienation Act, 1872," shall be read and have effect as if the words "situated south of the twenty-sixth parallel of south latitude" were therein inserted in lieu and instead of the words "and situated south of the line defined and described in the First Schedule hereto," in the second and third lines of the paragraph defining the said term: And the said First Schedule to the said last-mentioned Act is hereby repealed, saving all rights and liabilities accrued or incurred by reason of the definition hereby altered.

Definition of "Waste Lands."

Definition of Suburban Lands:

2. From and after the passing of this Act, the definition of the term "Suburban Lands," as set forth in section 2 of "The Waste Lands Alienation Act, 1872," shall be and the same is hereby repealed; and in lieu and instead thereof the term "Suburban Lands" shall mean and include all surveyed waste lands situated within two miles from the outer boundary of any town or township lands, or any lands reserved for the purposes of a town

Amended definition of "Suburban Lands."

The Waste Lands Alienation Amendment Act, 1874.

or township, whether surveyed or unsurveyed, or within two miles of the outer boundary of the Park Lands (if any) surrounding or adjoining any such town or township lands, or lands reserved for the purposes of a town or township, whether surveyed or unsurveyed, which may, by notice in the *Government Gazette*, be declared to be suburban lands: Provided that waste lands before being surveyed may be set apart for the purpose of thereafter being declared suburban lands: Provided also that no section of suburban lands shall contain a larger area than forty acres: And provided that the repeal of the definition of the term "suburban lands" as contained in the said Act shall in nowise prejudice or affect any rights or liabilities accrued or incurred thereunder.

Agreements may be surrendered in certain cases.

3. Any selector may at any time apply to the Commissioner, in writing, for permission to surrender his agreement, and if the Commissioner is satisfied that the selection under such agreement was made *bonâ fide*, for the purpose of cultivation, and not in any way for the purpose of infringing or evading the provisions of this Act or "The Waste Lands Alienation Act, 1872," the Governor may allow such selector, upon forfeiting any money paid by him under such agreement, to give up his copy of such agreement, which shall be forthwith cancelled, and thereupon the land mentioned in such agreement shall be again gazetted as open for selection, and such selector shall be entitled to make any other selection in the same manner as if such agreement had never existed.

Condition of cultivation may be relaxed in certain cases.

4. Where, by reason of the time of year at which any selection is made, or the quality of the land selected, or any other special circumstances, it shall be shown to the satisfaction of the Commissioner that it would be impossible to comply with, or would inflict great hardship upon, the selector to enforce the condition in his agreement which provides that he shall plough and have under cultivation during every year at least one-fifth of the land, but in the event of his being unable to cultivate one-fifth during the first year he shall during the next year cultivate at least two-fifths; then, and upon being satisfied that the selector has taken up the land *bonâ fide* and for the purpose of cultivation the Commissioner may, by a written permission, so relax the provision as to cultivation as to make the ploughing and cultivation of one-fifth of the land during the first two years a sufficient compliance with the conditions of the agreement in reference to cultivation: Provided that no such permission shall be given as to lands selected after the passing of this Act unless the same is applied for within six months from the date of the agreement.

Incorporation :

Incorporation.

5. This Act, and "The Waste Lands Alienation Act, 1872," shall be incorporated and be read and construed together accordingly.

Withdrawal

The Waste Lands Alienation Amendment Act, 1874.

Withdrawal of Lands:

6. The Commissioner from time to time, if he shall think fit, may withdraw from selection, sale, or leasing, any waste lands, either temporarily or permanently, and any waste lands so withdrawn shall not again be offered for selection, sale, or leasing, respectively pursuant to "The Waste Lands Alienation Act, 1872," until they shall have been readvertised for one calendar month in the *Government Gazette* as open for selection, sale, or leasing, as the case may be: Provided that the period of time during which such lands shall be so withdrawn shall not be reckoned in any computation of time which may affect the period at which such lands may be dealt with.

Commissioner may
withdraw lands.

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

A. MUSGRAVE, Governor.