ANNO TRICESIMO QUINTO ET TRICESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1872.

No. 29.

An Act to provide for Immigration into the Province of South Australia.

[Assented to, 30th November, 1872.]

WHEREAS it is expedient to encourage and assist Immigration into South Australia, and to provide for the control and supervision of such Immigration—Be it therefore Enacted, by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said Province in this present Parliament assembled, as follows:—

1. Act No. 4 of 21 Victoria, intituled "An Act to authorize the appointment of an Emigration Agent, and to encourage and regulate Immigration into the Province of South Australia," is hereby repealed, and all regulations made thereunder are hereby cancelled, but nothing herein contained shall effect any act or thing lawfully done, or contracted to be done, under the authority of the said Act or regulations.

2. The Governor, with the advice and consent of the Executive Council (hereafter called the Governor in Council), may appoint a person or persons to be Emigration Agents in Great Britain, or elsewhere, and may also appoint an Immigration Agent in the said Province, and from time to time remove such persons, or either of them, and appoint others in their respective places, and such Emigration Agents and Immigration Agent shall each be entitled to receive such salary as the Parliament of the said Province may from time to time provide.

3. Any
3. Any Emigration Agent may, subject to the approval of the Commissioner of Crown Lands and Immigration, appoint such clerks and sub-agents as are necessary for the performance of the duties intrusted to him.

4. It shall be lawful for any Emigration Agent to issue, or cause to be issued, a land order warrant to each emigrant whom he shall have approved as suitable, and who shall not have previously resided in the said Province, and who shall proceed direct from Europe to South Australia, in a ship approved by the said Emigration Agent, and who shall have paid the full cost of the passage of himself or of any other person approved by the said Emigration Agent.

5. The said land order warrant shall entitle the holder thereof to receive, on arrival in the said Province, one land order on account of each person whose passage shall have been so paid in full, as aforesaid; and every such land order shall be in the form contained in the First Schedule hereto, and shall be of the value of Twenty Pounds sterling for each person of twelve years of age and upwards, and of the value of Ten Pounds sterling for each child between the age of one and twelve years.

6. The said land order shall be available to its full nominal value for the purchase of any waste lands of the Crown which may be offered for sale, or which may be open to selection for cash or on credit in any part of the said Province: Provided that in the event of the holder of any such order selecting lands open for selection on credit he shall, on entering into an agreement to reside personally on such land, and in other respects to carry out the provisions of the Act under which such selection shall be made, be entitled to present his land order as a deposit on account of the interest on the purchase money of the said land, and such order shall be accepted by the Treasurer, according to the nominal value thereof, as the full or part payment, as the case may be, of such interest.

7. The grants from the Crown of lands purchased, either wholly or in part, with the said land orders, shall not be issued to the purchaser until, and unless after, he and the person to whom such land order shall have been issued both shall have resided for two years continuously in the said Province; but in case of death it shall be lawful for the Governor in Council to issue the said land grant, after the expiration of the said two years, to the representative of the person who would otherwise have been entitled thereto: Provided that no alien shall be entitled to receive a grant for any such land, unless he shall first have become a naturalized subject of Her Majesty the Queen.

8. Upon deposit of a land order by the original holder, it shall be lawful for the Government to advance to him a sum equal to one-fifth of the nominal value thereof; and, upon repayment at any time within two years of the sum so advanced, the said land order shall be returned to him.

9. After
9. After the expiration of two years from continued residence in the said Province by the holder of any land order, and on proof of such residence being given to the satisfaction of the said Commissioner, such land order shall thereupon be transferable by endorsement.

10. Assisted passages may be granted to emigrants approved by any Emigration Agent, but unable to pay the whole cost of their passage, upon the terms specified in the Second Schedule to this Act: Provided that if any emigrant to whom such an assisted passage is granted shall, within thirty days after his arrival in the said Province, apply, in writing, to the Commissioner of Crown Lands and Immigration to be allowed to pay the balance of his passage money (which said passage money shall not exceed in the whole the sum of Fifteen Pounds for every statute adult), and shall also pay the balance of such passage money within twelve calendar months from the date of such application, the said Commissioner shall cause a land order of the value of Twenty Pounds to be issued to such emigrant, which order shall be available in all respects as a land order issued under Clause 5 of this Act.

11. When any natural-born or naturalized subject of Her Majesty, resident in the said Province, desires to nominate any suitable person for a passage from Europe thereto, and shall have paid to the said Commissioner the sum set forth in the Second Schedule hereto, according to the scale therein specified, the person so nominated shall be entitled to receive a passage accordingly, and the person so nominating shall, on payment in the said Province of the balance of such passage money, within twelve calendar months after the arrival of such person nominated, calculated at the rate of Fifteen Pounds for every statute adult, be entitled to receive a land order of the value of Twenty Pounds, which order shall be available in the same manner as a land order issued under Clause 5 of this Act.

12. If any person or persons, company, association, or society shall be desirous of bringing out, at his or their own expense, suitable emigrants from Europe to South Australia, approved by any Emigration Agent, for the purposes of settling on the Crown lands thereof and cultivating the same, or for engaging in any Colonial industry, and shall enter into an agreement with the Commissioner of Crown Lands and Immigration for the conveyance of such emigrants from Europe to South Australia for the purposes aforesaid, and also enter into a covenant with the said Commissioner that such emigrants shall reside continuously in the said Province for two years, at the least, from the date of their arrival, the Governor in Council may issue to such person or persons, company, association, or society, on the arrival of such suitable emigrants in the said Province, and if aliens, after naturalization, a land order in the form contained in the Third Schedule hereto, which land order shall be of the value of Sixteen Pounds sterling for each adult emigrant as hereinbefore specified, and a land order of the value of Eight Pounds sterling for each child between the ages of one
one and twelve years of age who may be so conveyed; and every such land order shall be immediately available, in the same manner as a land order issued under Clause 5 of this Act.

13. Notwithstanding anything in this Act contained, no land grant shall be issued to any person unless the requirements of the laws from time to time in force in the said Province regulating the sale of waste lands of the Crown therein, and binding upon the purchaser or selector thereof, shall have been fully performed by him.

14. If any person, by any false statement made in the said Province, or elsewhere, obtain for himself, or for any other person, a passage granted under the provisions of this Act, he shall, on conviction before any Special Magistrate or two Justices of the Peace for the said Province, be liable, for each offence, to pay the whole cost of any such passage, and also to pay a penalty of not more than Fifty Pounds; and, in default of such payments, or either of them, he may be imprisoned, with or without hard labor, for a term not exceeding six calendar months; and the provisions of Ordinance No. 6 of 1850 shall be applicable to all proceedings under this clause.

15. The Governor in Council may, from time to time, frame, annul, alter, and vary such regulations as may be necessary for declaring what persons shall be eligible for immigration to the said Province, and generally for carrying out the provisions of this Act; and all such regulations, and all instructions which may from time to time be transmitted to any Emigration Agent, shall be forthwith published in the South Australian Government Gazette for general information, and shall be, within one week from their publication, if Parliament be then sitting, or, if not, then within one week from the next meeting of Parliament, laid upon the table of each House of Parliament.

16. This Act may be cited as "The Immigration Act, 1872."

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

JAMES FERGUSSON, Governor.
The Immigration Act.—1872.

SCHEDULES REFERRED TO.

SCHEDULE I.

SOUTH [Royal Arms.] AUSTRALIA.

Land Order.

[Issued under the Immigration Act of 1872.]

£ : : £ : :

No. Number No. No.

It having been duly certified that a passenger per ship from the Province of South Australia, has defrayed the cost of passage of the said is hereby authorized to purchase waste lands in the said Province subject to the laws relating to waste lands of the Crown in the said Province, and upon condition that the land grant thereof be not issued to the said until after two years' continuous residence in South Australia. This order is of the value of Pounds, and is available as cash at any Government sale of waste lands or in payment of the interest or purchase money of lands selected on credit by the holder hereof for the time being.

Given under my hand at Adelaide, this day of 1872.

By His Excellency's command,

Commissioner of Crown Lands and Immigration.

SCHEDULE II.

Scale of Payments.

<table>
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<th>Sex</th>
<th>Under 12 years</th>
<th>12 years and under 40</th>
<th>40 years and under 50</th>
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<tr>
<td>Male</td>
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<td>£ 4.00</td>
<td>£ 8.00</td>
</tr>
<tr>
<td>Female</td>
<td>£ 3.00</td>
<td>£ 4.00</td>
<td>£ 8.00</td>
</tr>
</tbody>
</table>

SCHEDULE III.

SOUTH [Royal Arms.] AUSTRALIA.

Land Order.

[Issued under the Immigration Act, 1872.]

£ : : £ : :

No. Number No. No.

It having been duly certified that the cost of passage of per ship from Europe to South Australia, has been defrayed by of it is hereby agreed and directed that this land order shall be available as cash at any Government sale of country lands, or in payment of the interest of purchase money for Crown lands selected on credit by the holder hereof for the time being, upon condition that the land grant thereof be not issued to the said until after two years continuous residence in South Australia.

Given under my hand at Adelaide, this day of 1872.

By His Excellency's command,

Commissioner of Crown Lands and Immigration.

Adelaide: By authority, W. C. Cox, Government Printer, North Terrace.