No. 28.

An Act to regulate the Sale and other Disposal of the Waste Lands of the Crown in that portion of the Province of South Australia commonly styled the Northern Territory.

[Assented to, 30th November, 1872.]

WHEREAS pursuant to the powers contained in an Act intituled "An Act for the Government of New South Wales and Van Diemen's Land," passed by the Imperial Parliament in the fifth and sixth years of the reign of Her Most Gracious Majesty Queen Victoria, and to the powers contained in an Act intituled "An Act to remove doubts respecting the authority of the Legislature of Queensland, and to annex certain territories to the Colony of South Australia, and for other purposes," passed by the Imperial Parliament in the twenty-fourth and twenty-fifth years of the reign of Her said Majesty, Letters Patent, bearing date the sixth day of July, in the twenty-seventh year of the reign of Her said Majesty, signed by Warrant under the Queen's Sign Manual, were issued whereby so much of the Colony of New South Wales as lies to the northwards of the twenty-sixth parallel of south latitude and between the one hundred and twenty-ninth and one hundred and thirty-eighth degrees of east longitude, together with the bays and guls there situated, and all and every the islands adjacent to any mainland within such limits as aforesaid, with their rights, members, and appurtenances, were annexed to the Colony of South Australia: And whereas, by a certain Act passed 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 the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, being "The Northern Territory Act," certain
certain provision was made for the alienation by sale and other disposal of five hundred thousand acres of land, being country lots and one thousand five hundred and sixty-two town lots, situated within the limits described in the said Letters Patent, and by the said Northern Territory Act it was enacted that no other land should be sold after the sale of such five hundred thousand acres, and such town lots, except in the manner and at the price by the said Act provided; and by the said Northern Territory Act it was also enacted that the preliminary land orders and land orders issued thereunder to the purchasers of such land should entitle the purchasers and their transferees or nominees to select the lands whereof they would become the purchasers within five years from the date of every such preliminary land order and land order: And whereas by another Act of the Governor of the said Province, with the advice and consent aforesaid, assented to on the twenty-fourth day of November, one thousand eight hundred and sixty-eight, being "The Northern Territory Amendment Act, 1868," it was enacted that the purchaser of any preliminary land order or land order, or his transferee or nominee, should be entitled to exercise his right of selection hereinbefore referred to within five years from the passing of the now reciting Act, and such purchaser should, on giving, within nine months from the passing of such last-mentioned Act, the notice by the last-mentioned Act required, become entitled to a larger area of land than the area mentioned in any such preliminary land order or land order: And whereas by an Act of the Governor of the said Province, with the advice and consent aforesaid, being No. 2 of 1869-70, intituled "An Act to amend an Act, No. 3 of 1868, intituled 'An Act to amend the Northern Territory Act,'" it was enacted that all persons who had neglected to give the notice hereinbefore referred to, but who should give such notice before the thirtieth day of June, one thousand eight hundred and seventy, should be entitled to the full advantage conferred by the said Northern Territory Amendment Act, 1868: And whereas by an Act of the Governor of the said Province, with the advice and consent aforesaid, being No. 3 of 1871, intituled "An Act to amend 'The Northern Territory Amendment Act, 1868,'" it was enacted that all persons who on or before the first day of July, one thousand eight hundred and seventy-two, should give the notice therein referred to, should be entitled to select the larger area of land authorized to be granted by "The Northern Territory Amendment Act, 1868:" And whereas it is desirable to repeal the Acts mentioned in the first Schedule hereto to the extent in such Schedule mentioned, and to provide for the alienation by sale, lease, or other disposal of the unsold lands situated within the limits described in the said Letters Patent: 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:

1. This Act may be recited and referred to for all purposes as "The Northern Territory Land Act, 1872."

2. The
2. The following terms within inverted commas shall, for the purposes of this Act, bear the meanings set against them respectively, unless where the context implies otherwise—

“Business”—Any profession, trade, calling, or occupation, except mining, and any vending or disposing of any goods, wares, merchandize, or chattels, whether by hawking of milk, butter, vegetables, or other farm or garden produce:

“Cattle”—Horses, horned cattle, camels, mules, asses, sheep, and goats:

“Country Lands”—All surveyed lands situated in the Northern Territory not being town, township, or suburban lands, or reserves:

“Special Country Land”—Any single section or block of country lands which may be surrounded by sold or selected lands, and which shall have been heretofore offered for sale and not sold, or have been withheld from sale, or has not been dedicated for any public purpose:

“Claim”—A parcel of waste lands which each person or company shall be entitled to occupy, or to occupy and mine in by virtue of any miner’s right, licence, or lease issued under Part v. of this Act, and every holding whatsoever occupied by virtue of the said Part v.:

“Commissioner”—The Commissioner of Crown Lands and Immigration for the time being of the said Province, or such person or persons as the Governor in Council may appoint to exercise and carry out in the Northern Territory the powers and provisions of this Act:

“Gazette”—The South Australian Government Gazette or such other official gazette as may be published under the authority of the Government in the Northern Territory:

“Gold”—As well any gold as any earth, clay, quartz, stone, mineral, or other substance containing gold, or having gold mixed therein, or set apart for the purpose of extracting gold therefrom:

“Governor in Council”—The Governor of the said Province, with the advice and consent of the Executive Council:

“Mining Purposes”—The searching and working of land for removal therefrom of any natural mineral body other than gold, coal, mineral oil, or water:

“Northern Territory”—So much of the Province of South Australia as lies to the northwards of the twenty-sixth parallel of south latitude and between the one hundred and twenty-ninth and one hundred and thirty-eighth degrees of east longitude, together with the bays and gulfs there situated, and all and every the islands adjacent to any main land within such limits as aforesaid, with their rights, members, and appurtenances:

“Selector”
"Selector"—Any person who shall enter into a lease containing a stipulation for the purchase of land upon credit under this Act, and, except where repugnant to or restricted by the context, the devisee or personal representative of any such person, or any transferee of any such lease under the provisions of this Act:

"Suburban Lands"—All surveyed waste lands situated in the immediate vicinity of any town or township lands, and which may be declared by notice in the Gazette to be suburban lands:

"Town Lands" and "Township Lands"—All lands reserved, surveyed, and laid out in lots as and for the site of any town or township:

"Warden"—Any person appointed by the Governor in Council to exercise the powers and functions conferred on a warden by this Act:

"Waste Lands"—All lands in the Northern Territory vested in Her Majesty which have not been, or may not hereafter be reserved for, or dedicated to any public purpose, or which have not been granted or lawfully contracted to be granted to any person in fee-simple, and all lands which at the time of the coming into operation of this Act may have become, and which thereafter may become forfeited by reason of any breach in the conditions on which the same have been granted or leased, or contracted to be granted or leased:

Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine gender, when not inconsistent with the context.

3. This Act shall be divided into Parts, namely—

Part I.—Repeal of Acts and regulations: ss. 4 - 5

Part II.—General provisions: ss. 6 - 23.

Part III.—Selections and sales upon credit: ss. 24 - 37

Part IV.—Sales for cash: ss. 38 - 43

Part V.—Provisions respecting mining: ss. 44 - 73

Part VI.—Provisions respecting pastoral occupation, timber and stone licences, commonage, pearl, pearl shell, and trepang fishing: ss. 74 - 80

Part VII.—Provisions respecting lands required for plantations of rice, sugar, coffee, tea, indigo, tobacco, or cotton, or for special purposes: ss. 81 - 90

Part VIII.—Provisions respecting licensed surveyors: ss. 91 - 92

Part IX.—Legal procedure: ss. 93 - 97

Part X.—Miscellaneous matters. ss. 98 -
PART I.—Repeal of Acts and regulations:

4. From and after the coming into operation of this Act, the Act mentioned in the First Schedule hereto, to the extent to which the same is therein expressed to be repealed, and all rules and regulations made thereunder shall be, and the same is hereby repealed; saving always all rights, claims, penalties, and liabilities already accrued or incurred, or in existence: Provided always that no action, suit, or proceeding, in any court of law or equity already commenced under or by virtue of any existing Act, law, or regulation, in respect of any contract already entered into, shall abate, or be waived, prejudiced, or hindered by such repeal, but shall be enforced and continued to their termination as if this Act had not been passed.

5. From and after the coming into operation of this Act, none of the Acts mentioned in the Second Schedule hereto, and none of the rules and regulations made thereunder respectively, shall be of any force or effect whatever in the Northern Territory.

PART II.—General Provisions:

6. From and after the coming into operation of this Act, all waste lands in the Northern Territory shall be sold, demised, or otherwise disposed of and dealt with in the manner and subject to the provisions of this Act, and not otherwise.

7. No waste lands shall be granted, or contracted to be granted, in fee simple, under the provisions hereinafter contained, before the same shall be surveyed and delineated in the public maps in the Survey Office at Adelaide, and in the land office at Palmerston, or at such other places as the Governor in Council may appoint, in such sections as may be deemed convenient, but no one section shall contain a greater area than six hundred and forty acres; and a notice shall be published by the Commissioner in the Gazette describing generally the lands so surveyed and delineated, and referring to such maps, after which publication the lands referred to in such notice will be open for selection.

8. Subject to the provisions of this Act, the Governor, in the name and on behalf of Her Majesty, may grant in fee simple, or for any less estate or interest, to the purchaser thereof, any waste lands, which grants shall be in such forms as shall from time to time be deemed expedient by the Governor in Council, and shall be signed by the Governor, and sealed with the public seal of the said Province, and being so signed and sealed, shall be valid and effectual in law to transfer to and vest in any such purchaser any such lands as aforesaid so purchased by him.

9. All leases of waste lands, pursuant to the provisions of this Act, shall be made by the Governor in the name and on behalf of Her Majesty, and shall be executed in duplicate, whereof one part shall be signed by the Governor, and sealed with the seal of the Province,
PART II.

Commissioner empowered to give notices, make claims, and authorize entries.

Sec. 3 of 9 of 1853.

Provision, and the other part shall be signed, sealed, and delivered by the lessee.

10. The Commissioner may, and he is hereby authorized and empowered to give any notice, make any claim or demand, and make, or depute, or authorize any person to make any entry, on waste lands and country lands which shall be requisite or expedient to be given or made, by or on behalf of Her Majesty, Her heirs, or successors; and every such notice, claim, or demand, which shall be given or made in writing under the hand of such Commissioner, and every entry which shall be made by such Commissioner or any person so deputed or authorized to make the same, as aforesaid, shall be good, valid, and effectual, to all intents and purposes whatsoever, and shall have such and the like force and effect to all intents and purposes as if the same were respectively given or made by Her Majesty, Her heirs, or successors.

11. The Commissioner, by himself, or any person whom he shall for that purpose depute, may make distress for any rent which shall be due, in arrear, or unpaid, from any lessee, assignee, occupier, or tenant of any waste lands; and the goods, chattels, and effects so distrained, to impound, sell, and dispose of as in ordinary cases of rent in arrear.

12 Whenever any selector, lessee, or other person liable to pay the same shall be in arrear in payment of any rent due under any lease of any waste lands or country lands, for the space of thirty days after the day whereon such rent shall have accrued due, he shall thereby absolutely forfeit his lease, and be deemed to be in unauthorized occupation or possession of the lands thereby demised, and may be proceeded against under Part IX. of this Act, and not be allowed to select land upon credit nor in anywise occupy or become a tenant of waste or country lands during a period of two years next ensuing the day whereon such rent shall have accrued due, unless such rent in arrear be fully paid up: Provided, nevertheless, that it shall be lawful for the Governor, with the advice and consent of the Executive Council, to waive such forfeiture upon the payment of the rent and a penalty of Twenty-five Pounds per centum thereon, and upon such other terms as may be deemed reasonable.

13. The Governor in Council may, from time to time, by Proclamation in the Gazette, reserve, or dedicate, or grant in trust, either for a term of years or in fee, any lands which are or may be deemed to be required for quays, landing places, tramways, railways, railway stations, roads, bridges, ferries, canals, or for their respective approaches, or for other purposes, necessarily appertaining to any such works, or for the preservation of water supply, or for reservoirs, aqueducts, or watercourses, or for the use or benefit of the aboriginal inhabitants of the said Northern Territory, or for the sites of market places, abattoirs, public baths, institutions for public education, not being of an ecclesiastical or denominational character, public buildings, public gardens, or experimental farms and parks, agricultural
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agricultural and horticultural societies, hospitals, asylums, infirmaries, establishments for the relief of indigent persons, lock-ups, police stations or paddocks, gaols, places for the interment of the dead, or for public health, convenience, recreation, or amusement, or for forest or mineral reserves, or for any other purpose of public defence, safety, utility, convenience, or enjoyment, and for otherwise facilitating the improvement and settlement of the said Northern Territory.

14. The delineation in the public maps of the said Northern Territory of any public roads shall be and be deemed to be a sufficient dedication to the public of such roads, anything in the last preceding section to the contrary notwithstanding.

15. Whosoever shall, by casting or placing timber, stones, rubbish, or materials, or by any other means, wilfully stop, obstruct, or injure any public or reserved road or way, vested in Her Majesty, shall, on conviction, for every such offence, forfeit and pay a penalty of not less than Two Pounds nor more than Ten Pounds, over and above the expense of removal; and it shall be lawful for the Commissioner, or any person whom he may in that behalf appoint, by writing under his hand, without any warrant, forthwith summarily to remove and prevent every such obstruction, at the cost of the party causing the same, to be recovered summarily, as hereinafter provided.

16. The Governor in Council may, from time to time, by Proclamation in the Gazette, revoke any Proclamation as to the whole or any portion of lands reserved, as mentioned in section 13 of this Act, and thereupon such lands shall be dealt with as if the same had never been reserved as aforesaid: Provided, nevertheless, that a plan of the reserves intended to be resumed shall be laid before Parliament thirty days before such Proclamation is issued.

17. The Governor in Council may, from time to time, by notice published in the Gazette, declare what parts of the waste lands are to be set apart for the sites of new towns or townships, and for suburbs thereto, and such lands shall thereupon be reserved and designated as town, township, or suburban lands, as the case may be.

18. The Governor in Council may withdraw any waste lands, country lands, town, township, or suburban lands, from selection upon credit, sale by auction, or otherwise for cash, and from lease, for either pastoral or mineral purposes.

19. The Commissioner, notwithstanding anything in this Act contained, may decline to accede to any application for selection and purchase on credit, or for purchase for cash, of any waste lands known or supposed to contain gold, copper, or any other mineral, coal, or mineral oil.

20. When any country lands sold upon credit and held under lease, and when any waste lands held under lease under the provisions.

Forfeited, resumed, or revested lands to be considered waste lands.

PART II.
visions of this Act, shall be or have been forfeited, resumed, or re-
vested in the Crown, under the provisions of this Act, such lands
shall be considered waste lands within the meaning of this Act, and
such lands may be dealt with as may seem expedient to the Governor
in Council.

21. Every Proclamation heretofore issued by the Governor, and
published in the Gazette, for the constitution of any County or Hun-
dred in the Northern Territory shall be deemed and be taken to be
legal and valid.

22. The Governor, by Proclamation in the Gazette, from time to
time may declare that the lands in such Proclamation mentioned
shall constitute a County or Hundred, and in any such Proclama-
tions may define the boundaries of any such County or Hundred,
and such boundaries from time to time may alter and vary, and
in such Proclamation shall be mentioned the day from which such
Proclamation shall take effect.

23. All money received in respect of purchase money, rent, licence
fees, or otherwise, by virtue of or pursuant to this Act, shall be
carried to the credit of the revenue of the said Northern Territory
and applied to the repayment of the Northern Territory loans and
interest, and to the payment of the cost of governing the said
Northern Territory and the general improvement thereof.

PART III.—Selections and Sales upon Credit:

24. Subject to the provisions of this Act, all country lands shall
be open for selection, and may be sold upon credit at Seven Shillings
and Sixpence per acre.

25. Any person who may be desirous of purchasing country lands
open for selection under this Act, shall apply to the Commissioner in
the form set out in the third Schedule to this Act, or to the like
effect, and shall pay, in ready money, at the time of making such
application, a deposit, of sixpence for every acre for which he may
so apply.

26. The Commissioner shall cause a Land Office or Land Offices
at Palmerston, or at other suitable place or places in the Northern
Territory to be kept open for the receipt of applications for the purchase
of country land as aforesaid, between the hours of ten and twelve in
the forenoon on such days as may be fixed by the regulations, to be made
in manner hereinafter contained; and shall also cause a box to be
kept in such Land Office or Land Offices in which such applications,
immediately on receipt, and without being opened or examined, shall
be deposited; and such box shall be publicly opened at the hour of
noon of each day on which such Land Office or Land Offices shall
be so open for the receipt of applications as aforesaid, and all applic-
ations found therein shall be immediately examined; and, if it shall
appear
The Northern Territory Land Act—1872.

appear that there is only one application for any Section of such land, the person so applying shall be declared the purchaser, except as hereinafter mentioned; but if there shall be two or more applicants for any such Section, the person who shall become the purchaser thereof shall be determined by lot in manner to be provided by the regulations to be made in manner hereinafter contained.

27. If, on opening the box, as aforesaid, it shall be found that there is only one application for any Section of country land, and if the amount of deposit is enclosed and the application be in proper form, the applicant shall be immediately thereupon declared the purchaser of such Section, and the proper officer shall thereupon hand him a receipt for the amount of such deposit in the form in the Fourth Schedule, or to the like effect; and in case there shall be more applicants than one, such officer shall deliver to the applicant entitled thereto pursuant to this Act a like receipt.

28. If any person shall apply for more than one Section of country land, and shall be declared the purchaser of less than the number of Sections of such land for which he applied, he may, by giving notice in writing to the Commissioner, within two days from the date of such declaration, decline to become the purchaser of any of such Sections.

29. If, at the opening of the box for the receipt of applications as hereinbefore mentioned, it shall be found that any one person has by himself, or his duly authorized agent, applied for a greater area than one thousand two hundred and eighty acres, he shall not be entitled to be declared the purchaser on credit of any area in excess of such last-mentioned number of acres, but shall pay in cash to the Commissioner the purchase money of the acreage so in excess.

30. Within thirty days after any person shall have been declared the purchaser of any country land under the provisions hereinbefore contained (unless such person shall have declined to purchase under the provisions of section 28 of this Act), a lease, in the form contained in the Fifth Schedule of this Act, shall be drawn up by the Commissioner, and executed by him in duplicate, and being so executed, shall be left at the Land Office whereat such land was selected; and if the purchaser shall neglect or refuse to execute such lease in duplicate for a further period of fourteen days, or such further time as may be allowed by the Commissioner, the amount paid by such purchaser as deposit, upon making application for such lands, and all his right, title, or interest to or in such lands and deposit, shall be absolutely forfeited, and such lands shall again be open for selection as if such former application had never been made.

31. The conditions and provisions to be contained in every such lease shall be the following:

1. That the term of every such lease shall be ten years, to be computed from the first day of January or July, whichever date may be nearest to the date of the purchaser's application to select:

2. That
PART III.

II. That the lessee will purchase the lands thereby demised at the price or sum of Seven Shillings and Sixpence per acre, and will, before the expiration of the said term, duly pay the said purchase-money and all rent due in respect of such lands:

III. That the annual rent to be reserved in every such lease, for every acre or fraction of an acre comprised therein, shall be the sum of Sixpence, and shall be payable yearly in advance during the continuance of the said term of ten years; and in case of default in payment for thirty days after the day appointed for payment thereof, the lease shall be absolutely forfeited and vacated, and the lands selected, and all improvements thereon, shall revert to the Crown: Provided that the Governor, in Council, shall have power to waive such forfeiture upon payment of the rent in arrear and of a penalty of Twenty-five Pounds per centum thereon, and upon such other terms as he may deem reasonable:

IV. That the lessee will, within six months of the date of his lease, erect and thereafter, during the continuance of the term of such lease, maintain boundary posts or marks at each corner of the boundary lines of the lands comprised in such lease:

V. That the lessee may, at any time during the term of his lease, pay the purchase-money of the lands thereby demised:

VI. That upon payment of the purchase-money, and all arrears of rent, the lessee shall be entitled to a grant of the fee-simple of the said lands:

And such other conditions as by the regulations to be made in manner hereinafter contained, may be imposed.

No person to hold more than 1,280 acres.

32. Nothing herein contained shall entitle any person to hold at any one time upon credit a larger area of country lands than one thousand two hundred and eighty acres; and no person shall hold, as aforesaid, more than three separate and detached blocks of land; and such area shall, when practicable, be comprised in one block: Provided always that in case the block selected shall be surrounded by land not open for selection, so that the area thereof is less than one thousand two hundred and eighty acres, such person selecting may also select either one or two blocks, until the total of one thousand two hundred and eighty acres is made up; but if any person shall be interested, directly or indirectly, at any one time in a larger area than one thousand two hundred and eighty acres of country lands held upon credit, he shall thereby be, and be deemed to be guilty of a fraud, upon this Act, and all lands held by him upon credit, and all moneys paid by him on account thereof, shall be absolutely forfeited.

Leases may be cancelled within twelve

33. Any person entitled under any lease to purchase any lands under
under this Act, may at any time within twelve months from the date
of such lease have such lease cancelled, by giving to the Commissi-
oner a written notice of his desire to forfeit the amount paid
by him as deposit, and to be released from such lease, and by sur-
rendering his part thereof; and thereupon such land shall again be
open for selection, and such person shall be entitled to make any
other selection in the same manner as if such lease had never
existed.

34. No person under the age of eighteen, nor any married woman,
except a married woman who has obtained a decree for judicial
separation, shall be entitled to hold, either directly or otherwise, any
land upon credit under this Act, unless such person or married woman
shall become entitled to such land as the personal representative or
devisee of any selector: Provided that should a woman holding land
upon credit subsequently marry, it shall be lawful for her to transfer
the land held by her to her husband, upon his entering into such
agreement as may be required by the regulations hereinafter men-
tioned.

35. Nothing herein shall prevent any bona fide applicant from
employing an agent duly authorized to make application in the name
and for the declared use and benefit of such applicant; and all con-
tracts, agreements, and securities which shall be entered into, made,
or given with the intent of violating or evading any of the provisions
of this Act, shall be and are hereby declared to be frauds upon this
Act, and illegal, and absolutely void at law and in equity between
all the parties thereto.

36. The Commissioner on being satisfied that any selector has
been guilty of fraud under this Act, or has violated, or failed to per-
form any of the conditions contained in or implied by his lease may
publish in the\Gazette\ a notice in the form or to the effect of the
Sixth Schedule to this Act, which notice shall either before or after
its publication in the \Gazette\ be also served upon the selector, or
posted to his last known address, or the place of residence mentioned
in his lease, and during one calendar month following the publica-
tion of the said notice the selector may furnish to the Commissioner
any documentary evidence that he has not been guilty of fraud under
this Act, or has not wilfully violated or failed to perform the con-
ditions of his lease as alleged in the said notice; and if the selector
shall not furnish such evidence, or if the evidence so furnished
by him shall fail to prove to the satisfaction of the Governor
in Council that the selector has not been guilty of fraud under this
Act, or has not wilfully violated or failed to perform the condi-
tions of his lease as alleged in the said notice, it shall be lawful
for the Governor in Council at any time after the expiration of the
said \month\ to revoke the said lease and resume possession of the
land therein described; and thereupon no claim at law or in equity
under such lease (except as against the selector) shall be made,
entertained, or enforced in any Court; but the selector shall be
taken
taken to have forfeited all right, title, and interest under his lease, and all money paid thereunder, and to be, as to the land therein described, a mere trespasser; and the production of a copy of the Gazette containing a notice by the Commissioner of such revocation and resumption shall be conclusive evidence that such lease has been lawfully revoked, and that the land therein mentioned has been lawfully resumed.

37. No selector, whose lease shall be so revoked, shall be entitled or allowed to select or become the purchaser of the same or any other land, upon credit under this Act for the space of two years from the date of such revocation, anything hereinbefore contained to the contrary notwithstanding.

PART IV.—Sales for cash:

38. Country lands may be sold for cash by private contract for the sum of not less than Seven Shillings and Sixpence per acre.

39. If any person shall apply in writing to the Commissioner, pursuant to any regulations made as hereinafter mentioned, for a special survey of ten thousand acres of waste lands, and shall specify the locality of such waste lands, and shall, at the time of making such application, deposit with the Commissioner an amount to be fixed by the Commissioner, as the cost of such survey, such person shall be entitled to have the said waste lands surveyed by the said Commissioner, and after the said survey shall have been made, to purchase the same for cash at the price of Seven Shillings and Sixpence per acre, and the actual cost of survey; and the said Commissioner shall thereupon deliver to him, a grant of such lands: Provided always, that the said Commissioner may refuse to entertain any such application.

40. Town or township and suburban lands shall be sold by auction for cash and not upon credit.

41. The Governor in Council may from time to time fix an upset price at which town, township, country, special country, or suburban lands may be respectively offered by public auction, and may from time to time raise and lower such upset prices: Provided always, that such upset prices shall not be less in any case than Seven Shillings and Sixpence per acre.

42. No land shall be offered at auction until after a statement showing the particulars of such land, and the upset price at which it is proposed to offer the same respectively, and the time and place at which such auction will be held, has been published for four consecutive weeks in the Gazette.

43. No town, township, country, special country, or suburban lands shall be sold at public auction, unless on condition of the purchaser
purchaser paying at the time of sale, in ready money, a deposit of Twenty Pounds per centum of the purchase money, and of paying the residue of such purchase money within one calendar month next after the date of such sale by auction; and in case of the failure of such purchaser to pay the residue of such purchase money within such one calendar month, the deposit shall be forfeited, and the sale of the said lands shall be null and void.

**PART V.—Provisions respecting Mining:**

**Gold Mining:**

44. Subject to the provisions of this Act, and of the regulations to be made hereunder, a “miner’s right” may be granted by any warden appointed under the provisions of this Act to carry out the powers hereby conferred on him to any person applying for the same upon payment of a fee of Five Shillings, and such right shall be in the form contained in the Seventh Schedule to this Act.

45. Every such miner’s right shall be in force twelve calendar months from the date thereof, and shall, during the said period, authorize the holder to search and mine for gold upon any waste lands, and to occupy (except as against Her Majesty), for the purpose of residence in connexion with the object of mining, so much land as may be prescribed under the regulations aforesaid; and every such holder shall, during the continuance of such miner’s right be deemed in law to be the owner of the claim which shall be occupied by virtue of such miner’s right, and during such continuance, as aforesaid, all gold then being in and upon the said claim shall be deemed in law to be the absolute property of such holder: Provided that no such search or mining shall be prosecuted or carried on within a radius of fifty yards of any shaft or working then being carried on by any other licencee or lessee of waste lands for mineral purposes.

46. A special prospecting licence, securing to the holder the right of search for gold for three months from the date thereof, over all waste lands comprised within a mineral lease (which lands shall be specified in the special prospecting licence), provided such search is not prosecuted within a radius of fifty yards of any workings being carried on by the lessee, may be issued by the Commissioner after giving one month’s notice to the lessee, upon payment of a fee of One Pound; and such special prospecting licence may be in the form contained in the Eighth Schedule to this Act.

47. Subject to the provisions of this Act and the regulations aforesaid, any warden may grant a licence to any person applying for the same, on payment of a fee of One Pound, which licence shall be in force till the expiration of three calendar months from the date thereof, and shall authorize the holder to occupy, for the purpose of carrying on business upon any gold-field during such period, so much of the waste lands, not exceeding one quarter of an acre in extent...
Part V.

Penalty for unlawfully mining.

Sec. 9 of 26 of 1870-71.

Penalty for carrying on business without licence.

Sec. 10 of 26 of 1870-71 (altered).

Appointment of warden.

Sec. 11 of 26 of 1870-71 (altered).

Powers of warden.

Sec. 12 of 26 of 1870-71 (altered).

extent, as may be deemed desirable by the warden, and for the purpose of such occupation to put up any building or other erection, and at any time to remove the same; and every such holder shall, during the continuance of such business licence, be deemed in law to be possessed (except as against Her Majesty), of the land which he shall occupy by virtue of such licence, and the property in such land shall be deemed a chattel interest, and not a chattel real, and no person shall be entitled by virtue of a business licence to occupy more than one such portion of land; and such business licence shall be in the form in the Ninth Schedule to this Act.

48. If any person not holding a miner's right, or licence under this Act, shall mine for gold on waste lands, he shall be liable on conviction to pay for each such offence a penalty not exceeding One Pound for every day he shall so mine, and the burthen of proving that he is the holder of a miner's right, or licence, shall rest upon him.

49. Any person not holding a business licence who shall occupy any waste lands for the purpose of business, or shall carry on business thereon, shall, on conviction, be liable to a penalty not exceeding Five Pounds for the first such offence, and not exceeding Ten Pounds nor less than Five Pounds for every second or any subsequent such offence, and the burthen of proof that he is duly licensed shall rest upon him.

50. The Governor in Council may appoint any persons to be wardens, and may from time to time remove such persons, and others may appoint in their stead.

51. It shall be lawful for any warden to hear and determine, in a summary way, all suits and disputes between the holders of miners' rights, either amongst themselves or in relation to themselves and third parties, which may arise:—

1. Concerning any waste lands which any person shall be or claim to be entitled to take possession of or occupy by virtue of a miner's right, and the extent and position of the same, or wherein or whereon any person shall be or claim to be entitled to cut, construct, or use any race, drain, dam, or reservoir, for gold mining purposes by virtue of such miner's right, and concerning any share or interest therein respectively, and of or in which land, race, drain, dam, or reservoir, any other person shall be or shall under any such miner's right or licence claim to be entitled to be in the occupation or possession, or to be entitled to search for such metals or minerals, or to cut, construct, or use any such race, drain, dam, or reservoir, or which shall be alleged to have been abandoned or to have been forfeited under some of the regulations to be made as aforesaid, and concerning the title to, or possession, or enjoyment, or recovery thereof by
The Northern Territory Land Act.—1872.

by reason of any such abandonment, forfeiture, or otherwise, and concerning any sum claimed in the nature of mesne profits thereof:

II. Concerning any waste lands or shares or interest therein, which the complainant shall claim to be entitled to take possession of and occupy for business, under a business licence, and concerning any trespass or encroachment on any such land:

III. Concerning the right which any person shall have or claim to have by virtue of a miner's right, or of any such licence as aforesaid, to the use and enjoyment or sale of any water to which any person shall claim to be entitled, and concerning the right which any person shall have or claim to have to any priority of water taken, diverted, or used, or claimed to be taken, diverted, or used, under the provisions of any such Act, as against any other person claiming the same:

IV. Concerning any encroachment or trespass upon any such land, race, drain, dam, or reservoir as aforesaid, and concerning the diversion or abstraction of any water possessed or used under a miner's right, or under any such licence as aforesaid, of which land, race, drain, dam, reservoir, or water, any person shall be and shall claim to be entitled to be in the occupation, possession, use, or enjoyment, for mining purposes, and concerning any unlawful interference therewith or injury thereto, whether wilful, or by negligence, or wrongful omission, causing damage thereto, and whereby mining shall have been hindered or delayed, or any machinery on any such land damaged, or the supply of water, any person shall be lawfully entitled to, shall be lessened, and concerning the unlawful ouster or exclusion of any person from any share or interest in any such land, race, drain, dam, reservoir, or water, and concerning the damages and compensation for any such encroachment, trespass, ouster, diversion, abstraction, interference, or injury:

V. Concerning or out of any contract, written or verbal relating to mining under a miner's right or licence as aforesaid, or respecting any such land or water as aforesaid, or any share or interest therein, and concerning any debt or money due in respect of any such contract:

VI. Concerning any gold in or to be taken out of any land occupied or held as aforesaid, or out of land in which any person shall be entitled to search for gold under any such licence as aforesaid, and concerning or out of any contract relating to such gold, or to any money due in respect of the same, or relating to any share or interest therein:

VII. Concerning or out of any contract, respecting the using for mining purposes of any such land, race, drain, dam, reservoir, or water as aforesaid, or otherwise in relation to gold mining
on waste lands occupied under miners' rights or licences, and concerning any money due in respect of any such contract:

viii. Concerning or out of any partnership or agreement in the matter thereof, written or verbal, relating to mining in any waste lands occupied under a miners' rights or licences as aforesaid, or for or in relation to the searching for any such gold, or concerning or out of any partnership in any such land, water race, drain, dam, reservoir, gold, or concerning or out of any contract for or in connexion therewith, or for dissolving in the whole or in part, any such partnership, or which may arise between tenants in common or joint tenants in relation to any such land or water, or in any share or interest therein:

ix. Concerning disputed or confused boundaries, and fixing the boundaries in dispute, whether there may exist or not, the circumstances required by a Court of Equity to grant a decree for the settlement of boundaries, and the warden may ascertain such boundaries by such means as shall be found convenient, and shall decide about the same, and shall make and give all such orders and directions as shall be necessary for the purpose of carrying out such decision:

x. Generally concerning all questions and disputes which may arise between miners holding miners' rights or licences in relation to mining on waste lands;

And the jurisdiction hereby given to the warden shall extend not only to cases where the litigants shall be the parties originally interested in the cause of suit; but to cases where the title of any such litigants shall be derived as assignee or personal representative or otherwise, from or through any of such parties, and in exercise of his jurisdiction, every such warden may make such order as may be just, according to equity and good conscience, and without regard to any rule of law affecting form only, and in every case may award such reasonable costs to be paid the successful party as he may deem fit.

52. Every warden, so long as he shall continue to hold his office, shall have and exercise within the limits of the gold-field or gold-fields of which he may be appointed warden the same powers and authorities as a Justice of the Peace for the said Province.

53. The mode of proceeding in any complaint before the warden shall be as follows:—The person complaining shall lodge a plaint note with the warden, in the form in the Tenth Schedule to this Act, specifying therein shortly the subject matter of the complaint, and the remedy sought to be obtained. Upon receipt of such plaint note the warden with whom the same is lodged shall give notice in the form in the Eleventh Schedule to this Act, by post or otherwise, to the party complained against of the nature of the complaint, and the time and place at which the same will be heard and determined. At the time and
and place appointed the parties shall attend either in person, or by attorney, or counsel, and state their case before the warden, and may call evidence on oath, which oath the warden is hereby authorized to administer, and the warden, having heard such statement and evidence, shall give his decision, and such decision shall be final and conclusive: Provided that the warden shall have power to adjourn the hearing of such complaint to any other time or place, and may, either at the original hearing, or at any adjournment, proceed in the absence of either party.

54. It shall not be necessary that any order or decision made by the warden shall be formally drawn up in the first instance, but the record in the warden's book, which he is hereby required to keep for the purpose, shall be sufficient evidence of the making of any such order, and of the terms thereof, and either party to a suit shall be at liberty to obtain a copy of record therein on payment to the warden of a fee of Two Shillings and Sixpence.

55. The warden, upon the hearing of any complaint that any gold has been unlawfully taken or removed from the claim of any person encroached or trespassed upon, and upon proof thereof, of which proof the record in the last preceding section mentioned shall be sufficient evidence, may cause any such gold to be summarily seized and delivered to the person encroached or trespassed upon, and may also cause the whole or any part of the damages fixed by the warden in respect of such trespass, to an amount not exceeding Fifty Pounds, to be paid by the person so having encroached or trespassed, to be recovered by distress and sale of the goods and chattels of such person in manner prescribed by law for the recovery of any sum adjudged by Justices of the Peace as a pecuniary penalty or compensation: Provided that no person shall be imprisoned for default in payment of such damages for a longer period than three months: Provided also that nothing herein contained shall prejudice the right of any person to resort to any remedy which he may already have at law or in equity.

56. Every person who shall assault or resist any warden, or any person duly authorized by him, whilst in the execution of any duty under this Act, or who, after the hearing and determining of any complaint as aforesaid, and having had the boundaries of his claim or his mode of operation pointed out by such warden, shall again encroach or trespass, or who shall work or attempt to work any claim or ground, or pursue any operation the working or pursuit of which shall have been duly enjoined or suspended under this Act, or who shall be guilty of any contempt of the proceedings before the warden at any sitting, shall be liable to a penalty not exceeding Twenty-five Pounds, or, at the discretion of the adjudicating warden, be imprisoned, with or without hard labor, for any period not exceeding three months, and the warrant of commitment therein may be in the form in the Twelfth Schedule to this Act: Provided always that a warden shall not adjudicate in any case in which he may be interested.
Copper and other Mineral Mining:

57. Waste lands may be leased, in blocks not exceeding six hundred and forty acres, for the purpose of mining for any mineral or metal, except gold, for a period not exceeding fourteen years, at an annual rental of Two Shillings and Sixpence per acre, with a right of renewal for two further periods of fourteen years, on payment of a fine on each renewal of not more than One Hundred Pounds per acre of the land so leased.

58. Every lessee shall have power to determine the lease on giving three calendar months' notice in writing to the Commissioner.

59. Any lessee desirous of obtaining a renewal of his lease shall make application to the Commissioner for renewal at least twenty-four calendar months before the expiration of the current term of such lease; and in default of such application the right of the lessee to a renewal shall be forfeited.

60. The amount of fine hereinbefore made payable on any renewal shall be fixed by the Governor in Council, at least eighteen calendar months before the expiration of the term of the lease.

61. Leases shall be in the form in the Thirteenth Schedule to this Act, or to the effect thereof, and shall be by deed, and each lease shall be in duplicate, one part whereof shall be signed by the said Governor and be sealed with the seal of the Province, and the other part shall be signed, sealed, and delivered by the lessee, and shall bind such lessee, his heirs, executors, administrators, and assigns, to occupy, mine, and work the said land, and the minerals and metals therein and thereunder, under and subject to the conditions, and stipulations, and clauses of forfeiture as are set forth in the Fourteenth Schedule to this Act, and such conditions and stipulations shall be inserted in every such lease.

62. On surrender of any such lease, and on the forfeiture of any such lease, and on the expiration of any such lease as in the last preceding clause mentioned, a lease of the lands comprised therein shall, within six months after the date of such surrender, be offered for sale by public auction to the highest bidder, of the time and place of which sale at least one calendar month's notice shall be given in the Gazette, and in case such lease is not sold the land comprised therein may be treated as waste lands.

63. If the rent reserved in any such lease be not paid yearly in advance, or if three men for every block of land leased be not employed for at least six months in each year of the term of the lease in working on the land leased and in searching for or raising ores, or if the lessee shall permit any portion of the land to be occupied for other than mining purposes without the permission in writing of the Commissioner, such lease shall be liable to forfeiture, and the lessee or occupier may be proceeded against in manner provided by section 94.

64. The
64. The Commissioner may grant licences to applicants to search for and remove minerals and metals, except gold, from waste lands, and every such licence shall be in force for the period of twelve months from the date thereof, and shall authorize the person therein named, his assigns, licencees, servants, and workmen, during the currency of such licence, to mine and work the land described therein, and to remove and carry away such minerals and metals therefrom; and such licences may be from time to time renewed, subject to the provision in the next clause contained, for twelve months.

65. The holder of any licence shall have a preferential right to make application for a lease of the land described in such licence, and no lease shall be granted of such land to any other person except after reasonable notice to the holder of the licence; but no renewed licence shall be granted after an application has been made for a lease of the land described in such licence.

66. It shall be lawful for the Governor in Council to resume any portion of the lands comprised in any such lease for the purpose of laying out a township, or other purpose of public convenience; and at any sale that may be made of any of the lands so resumed, the right of working for minerals shall be reserved to the Crown for the benefit of the lessee from whom the land so sold may have been resumed.

Occupation Licences:

67. The Commissioner may grant to any bonâ fide miner, or other person actually engaged in mining pursuits, a licence to occupy, for the purpose of residence only for himself and his family, any portion of the waste lands, not exceeding in extent half an acre, and such licence may be for such period not exceeding seven years, and at such annual rent, payable in advance, not exceeding Ten Shillings, as may be prescribed by the regulations to be made under this Act; and such licence shall be transferable and may be renewed until such land shall be alienated in fee simple or be resumed by the Crown for public purposes: Provided that in respect to any lands held under a mineral lease, no licence shall be granted without the consent of the lessee.

68. When any land included in any licence so granted as aforesaid is sold or alienated in fee simple from the Crown, or set apart for any public purpose, during the term for which such licence is granted, the licence shall thereupon cease, but the licencee shall be entitled to such compensation as the Commissioner may consider just for the loss of so much of the said term as may then be unexpired; and if such land is sold or alienated in fee simple the value of any improvement made thereon, shall be paid to such licencee by the purchaser of the fee-simple.

69. Any mineral lease to be issued shall contain a provision to the effect that occupation licences, as last aforesaid, may be issued for the
PART V.

Penalty for residing on waste lands without licence, and for holding over.

the lands demised by such lease, or any part thereof, under regulations to be made hereinafter provided.

70. If any unlicensed person shall reside on any such lands as aforesaid, or any person having been licensed shall hold over any such lands after the expiration of his licence, whether by effluxion of time or by any other determination thereof, he shall, on conviction thereof before any Special Magistrate or two Justices of the Peace for the said Province, forfeit and pay a penalty of not exceeding Ten Pounds for such offence, and the proof that such person is the holder of a valid existing licence shall rest upon him.

General matters:

71. Any person who shall forge any miner's right, licence, or lease, or any occupation licence issued or purporting to be issued under the authority of this Act, or fraudently use, utter, or exhibit any such forged miner's right, licence, or lease, or any occupation licence, knowing the same to be forged, or fraudulently personate the holder of any such miner's right, licence, or lease, or any such occupation licence, shall be guilty of felony, and, on conviction, he shall be liable, at the discretion of the Supreme Court, to be imprisoned for any term not exceeding ten years, with or without hard labor, and with or without solitary confinement; and any person who shall fraudulently use or exhibit as his own any miner's right, licence, or lease, or any occupation licence belonging or granted to any other person, or use or exhibit as a valid miner's right, licence, or lease, or occupation licence, any miner's right, licence, or lease, or any occupation licence, which shall have expired, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable, at the discretion of the said Court, to be imprisoned for any term not exceeding two years, either with or without hard labor.

72. The provisions of the Ordinance No 6 of 1850, intituled "To facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices with respect to summary convictions and orders, shall apply to all proceedings before the warden, duly holden pursuant to this Act.

73. There shall be an appeal from any order, conviction, judgment, or decision of any warden, which appeal shall be to the nearest Local Court of Full Jurisdiction; and such appeal shall be conducted in manner provided by Ordinance No. 6, of 1850.

PART VI.—Provisions respecting pastoral occupation, timber and stone licences, commonage, pearl, pearl-shell, and trepang fishing:

74. The Governor may demise, for any period not exceeding twenty-five years, for grazing and other pastoral purposes, any waste
waste lands, to the first applicant therefor, without previously offering the same for sale by public auction, and may reserve in any such demise such rent payable in advance, and may insert therein such conditions and clauses of forfeiture and of resumption as shall be prescribed by any regulations hereinafter authorized to be made touching waste lands demised for grazing and other pastoral purposes: Provided that, if any such demise shall terminate, either by effluxion of time or otherwise, the land comprised therein shall not be relit for pastoral purposes without a lease of the same having been first offered to the person bidding the highest rent for the same at public auction.

75. 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, may 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 on lease 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 may from time to time be declared by any regulations to be issued under authority of this Act: And provided further, that the person beneficially interested in the lands thus resumed shall be paid out of the General Revenue of the said Northern Territory for any wells, dams, and reservoirs which may have been made during the term of such lease, and which may be of a permanent character and increase the carrying capabilities of the lands comprised therein, and the value of such improvements shall be decided by some person or persons to be appointed by the Governor in Council, and such valuation on being confirmed by the Governor, shall be forthwith published in the Gazette.

76. The Commissioner shall, by notice in the Gazette, once in every year, declare the proportionate number of great cattle and small cattle which may be depastured on waste lands (not being lands which have been leased for grazing or other pastoral purposes) in respect of any given number of purchased acres, whether the same shall have been purchased on credit or for cash, under the provisions of this Act; and every such notice shall regulate for the then ensuing year the proportion of cattle to be so depastured by the occupiers of such purchased land, six head of small cattle being deemed equal to one head of great cattle; and the occupiers of such purchased land, and no other persons, shall be entitled to depasture cattle on such waste lands, in the proportion aforesaid: Provided that nothing herein contained shall prevent the sale of any part of such waste lands, nor affect the enjoyment of the purchaser or occupier thereof when purchased.

77. No person shall be entitled to such commonage or pasturage until he shall make, and afterwards deposit with the Commissioner a declaration
declaration of the number of purchased acres lawfully occupied by him in the form contained in the Fifteenth Schedule to this Act; and particulars contained in such declaration shall, from time to time, be published in the Gazette for general information; and any person knowingly making any false statements in any such declaration shall, on conviction for every such offence, forfeit and pay a penalty or sum of not less than Fifty Pounds nor more than One Hundred Pounds.

78. The Commissioner may grant to any person, for any period not exceeding twelve calendar months, a licence to cut, fell, and remove any timber growing, lying, or being upon any waste lands, or to remove, take, and carry away any salt, stone, sand, gravel, or other material from any such waste lands upon payment of such fee as the Governor in Council may from time to time fix.

79. The Commissioner may grant licences to fish for pearls, pearl-shell, and trepang, on such terms and conditions as the Governor in Council, by regulations, may from time to time fix.

80. Any person who shall injure, fell, or destroy any tree or sapling growing on waste lands, or shall cut, saw, remove, or sell any timber lying or being on waste lands, without a valid licence, or other lawful authority in that behalf; and any person who shall unlawfully remove and take away, or sever, excavate, quarry, or dig for, with intent to remove and take away, any metal, or ore containing metal, or any stone, sand, gravel, or other material from any waste lands, without a valid licence, or other lawful authority in that behalf, shall, on conviction, forfeit and pay a penalty not exceeding Five Pounds, including costs, or be imprisoned with hard labor for any period not exceeding two calendar months for each such offence; and it shall be lawful for the Commissioner, or any person authorized by him, or for any police constable, to apprehend any person found committing any offence against this clause, and forthwith to take such person before any two Justices of the Peace, to be dealt with according to law.

PART VII.—Provisions respecting lands required for plantations of rice, sugar, coffee, tea, indigo, tobacco, or cotton, or for special purposes:

81. Whenever any applicant for selection of country lands shall state in his application that he intends to use the land applied for in the cultivation of rice, sugar, coffee, tea, indigo, tobacco, or cotton, any or all of them, or any other merchantable tropical or semitropical production, he shall be allowed to select a block of country lands in area not less than three hundred and twenty acres, nor more than one thousand two hundred and eighty acres, at an annual rental of Sixpence per acre, payable annually in advance; and, in case any applicant so selecting such land shall prove to
the satisfaction of the Commissioner, within thirty days after the expiration of five years from the date of his application, that he had at the expiration of two years from the date of his application cultivated in a husbandlike manner one-fifth of the entire area of land selected by him with any of the aforesaid productions, and that after such second year he has annually cultivated in a similar husbandlike manner an additional one-tenth of the entire area of his said land, and that at the expiration of the said term of five years he had one-half of the entire area of land selected under cultivation with any of such productions as aforesaid, and that the whole of such land is enclosed with a fence, wall, or permanent hedge, he shall be relieved, on application for his land grant, from any further payment, and the money theretofore paid as rent shall be and be deemed to have been payment of the purchase-money, and the Governor shall thereupon execute a grant to such applicant of the land; but in all other respects, before the proof by this section required shall have been given, and the said land grant executed and delivered to such applicant, he shall be liable to the same conditions and covenants as any other selector under the provisions of this Act: Provided that any two or more selectors may amalgamate their selections and cultivate the land selected by them either in copartnership or as a registered company, subject, however, to the same regulations and conditions as apply to individual selectors; and provided also that before any such relief shall be granted, or land grant be executed, notice of the application for the same shall be published in the Gazette for one calendar month.

82. No application under the last preceding clause shall be allowed after the first day of January, one thousand eight hundred and seventy-six.

83. The Governor in Council may lease for special purposes any portion of waste lands to any person or company for any special purpose, such as for the erection of wharfs, storehouses, slips for building or repairing ships and other vessels, baths, works for supplying water or gas to any town, and for any other special purpose which the Governor in Council may consider beneficial to the interest of the public: Provided that the terms of lease shall not in any case exceed twenty-one years, and that every such lease shall, in addition to the covenants prescribed by the regulations to be made under this Act, contain a stipulation or condition that such lease may at any time be revoked on the Commissioner giving six months' notice and paying the value of the improvements, and that the annual rent shall in no case be less than One Pound per acre.

Part VIII.—Provisions respecting licensed surveyors:

84. The Commissioner may appoint, without salary, for the purposes of this Act, fit and proper persons, whose qualifications for the office shall have been satisfactorily ascertained, to be termed Licensed Surveyors.

85. Surveys
PART VIII.

Government will accept surveys of licensed surveyors.

Licensed surveyor objected to, surveyor to be named by Commissioner.

Surveyors to be examined prior to issue of licence.

Surveyors to make declaration.

Licence to be furnished.

Fee to be paid.

Fees to surveyors.

Licence may be revoked.

PART IX.

Any unauthorized occupier under agree-

85. Surveys of the boundaries of runs, and surveys of sections of waste lands intended to be demised, for mineral purposes, being made by such Licensed Surveyors, shall, on verification, be accepted by the Commissioner, and adopted in all questions between the Government and the occupiers of any demised land, and between the occupiers themselves of any demised land, as the correct boundaries of such runs, or the correct surveys of such sections.

86. In the event of the lessee of a run objecting to the employment by the lessee of the adjoining run of any particular licensed surveyor to lay down a disputed boundary, such lessee shall make application to the Commissioner, with a statement of the reasons for such objection, for another licensed surveyor to be nominated by the Commissioner to lay down such disputed boundary; and the Commissioner, should he conceive such objection to be founded on proper grounds, shall nominate some other licensed surveyor, whose decision, after verification, shall be final: Provided that such licensed surveyor shall define the boundaries of runs, according to the priority of application for leases of such runs, and shall have regard to the natural features of the country as particularly set forth and delineated in the plans annexed to such leases, and according to which they were originally claimed.

87. Surveyors, applying to be licensed for the purposes of this Act, shall submit to an examination by persons appointed by the Commissioner, who shall inquire into the qualifications of such applicant, and shall also, if necessary, require from such applicant testimonials of good character and ability.

88. Such surveyor, prior to receiving a licence, shall make a declaration, on oath, before one of Her Majesty's Justices of the Peace for the said Province, in the form annexed in Schedule sixteen to this Act, that he will perform all surveys entrusted to him with strict impartiality.

89. Every surveyor, on making such declaration, and having been duly recommended for a licence, shall receive a licence according to Schedule seventeen to this Act.

90. Every surveyor shall pay the sum of Five Pounds for such licence aforesaid.

91. It shall be lawful for any licensed surveyor to charge and receive from such party or parties making application for such surveys, such fees as are provided for in Schedule eighteen to this Act.

92. It shall be lawful for the Commissioner to revoke such licence at any time, by notice in the Gazette.

PART IX.—Legal procedure:

93. When any person shall occupy, or be in possession of any waste lands, under or by virtue, or under color of any lease which
is void, or has expired, or become forfeited, or has been revoked under or pursuant to this Act, or shall remain in unauthorized occupation or possession of such lands, and shall refuse or neglect to deliver up possession of the same to any person authorized by the Commissioner in that behalf, such last-mentioned person, or any other person authorized by the Commissioner may apply, upon an information to be laid by him, in the form or the effect set out in the Nineteenth Schedule to this Act, to any Justice of the Peace for the said Province, such Justice shall issue a summons in the form or to the effect set forth in the Twentieth Schedule to this Act, calling upon the ocupier of such lands to appear, at a time and place in the Northern Territory to be therein specified, before a Local Court of Full Jurisdiction, who may hear and determine the matter of such information in a summary way, ex parte or otherwise; and, upon proof to the satisfaction of the Local Court, at the time and place so specified, or at any adjourned hearing of the said complaint, that the lands referred to in such summons are held under or by virtue, or under color of a lease, which is void, or has expired, or has become forfeited or has been revoked, and that such lands are in the unauthorized possession or occupation of the person summoned, a warrant shall be issued by the Special Magistrate in the form or to the effect set forth in the Twenty-first Schedule to this Act; and every constable or bailiff, to whom such warrant is directed, may forthwith execute the same, according to the tenor and exigency thereof, in the same manner as any warrant of possession or writ of habere factas possessionem may now be executed by virtue of any law existing at the present time in the said Province; and the jurisdiction of such Local Court shall not be taken away or deemed to be ousted by any claim of title, question of property, or suggestion of right, whether made bona fide or otherwise, which may be raised by the occupant at any such hearing as aforesaid, but all matters relevant to, and arising out of the information laid as aforesaid, shall be heard and finally determined by such Local Court.

94. The Commissioner may adopt any mode of procedure for recovery of possession of waste lands hereinbefore prescribed.

95. In any action, suit, or proceeding under this Act, the averment that any lands are waste lands shall be sufficient without proof of such fact, unless the defendant prove the contrary; and if any question shall arise whether the defendant was authorized to do the act complained of, the proof thereof shall lie upon such defendant; and all licences, certificates, maps, plans, and office copies certified as true under the hand of the Surveyor-General of the said Province, or of the proper officer of his department, or of the Commissioner, shall, in all matters relating to the said respective offices, be sufficient evidence without production of original records, and without the personal attendance of such officers, or proof of their signatures.

96. Every proceeding under this Act for the recovery of the possession...
PART IX.

possession of any waste lands as aforesaid, where no other method of proceeding is by this Act provided, shall, subject to the provisions of this Act, be had and taken, and all other proceedings, informations, and summonses under this Act may be heard and determined in a summary way by a Special Magistrate or two Justices of the Peace for the said Province, under the provisions of an Ordinance of the Governor and Legislative Council No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices with respect to summary convictions and orders; and all orders under this Act may be enforced as in the said Ordinance, or in any other Act is, or shall be provided.

97. Nothing herein contained shall be construed to take away or affect the right of the Crown, or of the said Commissioner, or of the Government of the said Province, to distrain for any rent, which may at any time be in arrear, or to take any other proceeding for enforcing the payment of such rent, or for the recovery of the possession of any waste lands.

PART X.—Miscellaneous matters.

98. All unbranded wild cattle above the age of twelve months which shall at any time be running and feeding on any waste lands, and which shall have no reputed or apparent owner, shall be and shall be deemed and taken to be the property of Her Majesty; and it shall be lawful for the Commissioner to cause the same to be sold and disposed of by auction or by tender; and the purchaser of such cattle, on obtaining the written authority of the Commissioner for that purpose, shall be at liberty within two months next after the date of such authority, with necessary assistant and proper assistance, to take possession of such cattle, and for that purpose to enter upon any waste lands where the same may be running or depasturing.

99. Whosoever shall wilfully deface, injure, destroy, or remove any survey-picket or other land-mark, placed, erected, or being on waste lands, without the leave of the person authorized to grant such leave, shall, on conviction, for every such offence, forfeit and pay a penalty of Ten Pounds.

100. Any person, unless claiming under a sale, lease, or licence 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, either by residing or by erecting any hut or building thereon, or by clearing, enclosing, or cultivating any part thereof, 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
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.

101. Any person who shall unlawfully depasture any cattle upon any waste lands shall be liable, on conviction thereof, to the penalties following: that is to say—for the first offence, a sum not exceeding Five Pounds; for the second offence, a sum not exceeding Ten Pounds; and for the third or any subsequent offence, a sum not exceeding Fifty Pounds.

102. If any cattle shall be found trespassing upon any waste lands, it shall be lawful for the Commissioner, or for any person authorized by the Governor or Commissioner in that behalf, either generally or in the particular case, to impound the cattle so trespassing, to be dealt with according to law.

103. Declarations under this Act, may be made and declared before the Commissioner, Justices of the Peace, notaries public, commissioners for taking affidavits in the Supreme Court, and such other persons as the Governor in Council may appoint under this Act for that purpose; and if any person wilfully make any false statement in any declaration made in pursuance of this Act, he shall be guilty of a misdemeanor, and shall be punishable as if guilty of wilful and corrupt perjury.

104. The Governor may, if he deems it desirable, pay or cause to be paid out of the public funds of the Northern Territory, the costs or charges of any suit or action which shall or may be brought by or against any Commissioner, Justice of the Peace, Constable, or other person acting under the authority and in the execution of this Act.

105. All actions for anything done under this Act shall be commenced within twelve calendar months after the cause of action shall have arisen, and not afterwards; and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in every such action the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, together with the costs incurred up to that time.

106. All penalties, fines, and forfeitures incurred or imposed under this Act may be sued for and recovered by the Commissioner, and when recovered shall be applied as directed by section 23 of this Act.

107. The
The Northern Territory Land Act.—1872.

107. The Governor in Council may make and publish such regulations as to him shall seem meet for fully and effectually carrying out and giving force and effect to the various purposes, provisions, powers, and authorities in this Act contained, and may from time to time alter, rescind, vary, and amend the same, or any of them, and make other regulations in lieu thereof, for more fully and effectually carrying out and giving force and effect to such purposes, provisions, powers, and authorities; and every regulation, when published in the Gazette, shall have the force of law.

108. The production of the Gazette, in which shall be published any proclamation or regulation under this Act, shall be deemed and taken to be *prima facie* evidence in all Courts of Justice in the said Province, of all such facts and circumstances as were or shall be necessary to authorize the issuing of any such proclamation, or the making of any regulation or by-law.

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

JAMES FERGUSSON, Governor.

SCHEDULES
The Northern Territory Land Act.—1872.

SCHEDULES REFERRED TO.

FIRST SCHEDULE.

<table>
<thead>
<tr>
<th>Number of Act.</th>
<th>Title of Act.</th>
<th>Extent of Repeal.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 23 of 1863</td>
<td>An Act for regulating the sale and other disposal of Waste Lands of the Crown lately annexed to the Province of South Australia, and for other purposes</td>
<td>Sections 8, 9, 11, and so much of section 14 as requires a copy of all regulations made under the authority of the Act to be laid before Parliament.</td>
</tr>
</tbody>
</table>

SECOND SCHEDULE.

<table>
<thead>
<tr>
<th>Number of Act.</th>
<th>Title of Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 9 of 1853</td>
<td>An Act to regulate the occupation of Crown Lands in South Australia</td>
</tr>
<tr>
<td>No. 5 of 1857-8</td>
<td>An Act for regulating the sale and other disposal of Waste Lands belonging to the Crown in South Australia</td>
</tr>
<tr>
<td>No. 18 of 1858</td>
<td>An Act to amend “The Waste Lands Act”</td>
</tr>
<tr>
<td>No. 20 of 1858</td>
<td>An Act for an Assessment on Stock, and for other purposes therein mentioned</td>
</tr>
<tr>
<td>No. 13 of 1859</td>
<td>An Act to provide for the definition of boundaries of runs and the survey of lands for mineral purposes by means of licensed surveyors</td>
</tr>
<tr>
<td>No. 7 of 1861</td>
<td>An Act to amend an Act No. 20 of 22nd Victoria, intituled “An Act for an Assessment on Stock, and for other purposes therein mentioned”</td>
</tr>
<tr>
<td>No. 16 of 1862</td>
<td>An Act to provide for an appeal against assessments of the Waste Lands of the Crown leased for pastoral purposes</td>
</tr>
<tr>
<td>No. 17 of 1862</td>
<td>An Act to provide for the future appropriation of proceeds of the Waste Lands of the Crown in the Province of South Australia</td>
</tr>
<tr>
<td>No. 22 of 1862</td>
<td>An Act to further amend An Act No. 20 of 22nd Victoria, intituled “An Act for an Assessment on Stock, and for other purposes therein mentioned</td>
</tr>
<tr>
<td>No. 13 of 1863</td>
<td>An Act to provide for the reduction of the Assessment of certain Pastoral Lands</td>
</tr>
<tr>
<td>No. 2 of 1864</td>
<td>An Act to enable the Governor to lease for mineral purposes land the property of the Government not being Waste Lands of the Crown</td>
</tr>
<tr>
<td>No. 8 of 1864</td>
<td>An Act to authorize certain reductions in the valuation of runs under the Act intituled “An Act for an Assessment on Stock, and for other purposes therein mentioned,” and to provide for the compensation for improvements to be allowed on resumption to lessees of pastoral lands under renewed leases</td>
</tr>
</tbody>
</table>
Clause 5.

SECOND SCHEDULE (continued).

<table>
<thead>
<tr>
<th>Number of Act.</th>
<th>Title of Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 22 of 1864</td>
<td>An Act to extend the terms of certain leases of the Waste Lands of the Crown for pastoral purposes, and to make provision for payment in certain cases for improvements effected on lands comprised in leases granted for renewal terms under the Act No. 20 of 1858, intituled &quot;An Act for an Assessment on Stock, and for other purposes therein mentioned&quot;</td>
</tr>
<tr>
<td>No. 6 of 1865-6</td>
<td>An Act to repeal an Ordinance No. 10 of 1846, &quot;To encourage the Fencing of Land,&quot; and to make other provisions in lieu thereof.</td>
</tr>
<tr>
<td>No. 8 of 1865-6</td>
<td>An Act to amend Act No. 18 of 1868, intituled &quot;An Act to amend the Waste Lands Act&quot;</td>
</tr>
<tr>
<td>No. 16 of 1865-6</td>
<td>An Act to amend the laws relating to the leasing of Waste Lands of the Crown within the Province of South Australia for pastoral purposes</td>
</tr>
<tr>
<td>No. 23 of 1867</td>
<td>An Act to repeal &quot;The Mineral Leases Act, 1862,&quot; and to make other provisions for the leasing and occupation of the Waste Lands of the Crown in the Province of South Australia for mineral purposes</td>
</tr>
<tr>
<td>No. 13 of 1868-9</td>
<td>An Act to amend &quot;The Waste Lands Amendment Act, 1867&quot;</td>
</tr>
<tr>
<td>No. 14 of 1868-9</td>
<td>An Act to further amend &quot;The Waste Lands Act&quot;</td>
</tr>
<tr>
<td>No. 4 of 1869-70</td>
<td>An Act to amend &quot;The Waste Lands Amendment Act, 1868-9&quot;</td>
</tr>
<tr>
<td>No. 17 of 1869-70</td>
<td>An Act to amend the laws relating to the leasing for pastoral purposes of certain of the Waste Lands of the Crown in the Province of South Australia, and for other purposes</td>
</tr>
<tr>
<td>No. 26 of 1870-71</td>
<td>An Act to amend the laws relating to Gold-mining, and for other purposes</td>
</tr>
<tr>
<td>No. 27 of 1870-71</td>
<td>An Act to further amend &quot;The Waste Lands Amendment Act, 1868-9.&quot;</td>
</tr>
</tbody>
</table>

Clause 25.

THIRD SCHEDULE.

To

I, the undersigned, do hereby apply to become the selector of Section , and in [the Hundred or County of , or if in no Hundred or County state locality] under the provisions of "The Northern Territory Land Act, 1872," and I herewith tender and pay the sum of as and for one year's rent in advance upon such purchase money, and I undertake to sign within thirty days a lease on the terms and in the form provided by the said Act.

Dated this day of , 18 .

(Signature).

(Occupation).

(Address).

Clause 27.

FOURTH SCHEDULE.

Form of Receipt for Payment in advance of First Year's Rent.

Received this day from the sum of pounds, being one year's rent in advance upon the purchase money for Section No. , in the Hundred of , County of , and containing acres of land situate in and the said is to enter into an agreement within twenty-one days from the date of this receipt, in accordance with "The Northern Territory Land Act, 1872."

Dated this day of , 18 .

(Signature of Commissioner, or officer appointed by him).
The Northern Territory Land Act.—1872.

FIFTH SCHEDULE.

Form of Lease on Purchase on Credit.

No.  

This Deed made the day of ____, between the Commissioner of Crown Lands and Immigration of the Province of South Australia, hereinafter called the lessee, of the other part, witnesseth that in consideration of the said lessee doth demise to the lessee all that of land, containing acres, situated in the Northern Territory, for the term of Ten Years from the day of ____, 18__, at the yearly rent of sixpence per acre for every acre and fraction of an acre hereby demised, payable in advance on the day of ____, in every year. And it is hereby agreed by and between the said parties as follows:—

1. That the lessee shall and will pay the amount of rent hereby reserved, on the days and at the times on which the same shall become due and payable.

2. That the lessee will purchase the lands hereby demised at the price or sum of seven shillings and sixpence per acre, and will, before the expiration of the said term pay the said purchase money, and all arrears of rent to the lessor.

3. That the lessee may, at any time during the said term, pay the said purchase money of the said lands.

4. That upon payment of the purchase money, and all arrears of rent, the lessee shall be entitled to a grant of the fee simple of the said lands.

5. That the lessee will, within six months of the date hereof erect, and hereafter, during the continuance of the said term maintain, boundary posts along the boundary lines of the said lands.

6. Any person, authorized by the lessor, may at all reasonable times enter upon the said lands, to view the said lands, and any improvements thereon.

7. That this lease is made subject to the provisions of “The Northern Territory Land Act, 1872,” and of any regulations made or to be made thereunder, and any such regulations which may hereafter be made shall be equally binding and obligatory on the parties hereto, as if this agreement had been made subject thereto.

8. Upon breach of any of the foregoing conditions, or upon the publication of a notice in the Gazette, that the Governor in Council has revoked this lease, or if the purchaser shall do any act declared by “The Northern Territory Land Act, 1872,” to be a fraud upon that Act, or in either of such cases, the purchaser shall forfeit all benefit under this lease, and shall deliver up to the lessor, or whomsoever he may appoint, the said lands with all improvements thereon; and this lease shall become void, and the purchaser may be dealt with under “The Northern Territory Land Act, 1872,” as a person in unauthorized occupation of such lands.

In witness, &c.

(Signatures)  
Lessor (L.s.)  
Lessee (L.s.)

SIXTH SCHEDULE.

Notice of intention to revoke Lease of Land upon Credit.

To the lessee of the said lands, by virtue of a lease under “The Northern Territory Land Act, 1872,” dated the day of ____, 18__.

Take notice, that it has been shown, to the satisfaction of the Commissioner of Crown Lands and Immigration, that you, the above-named, [have been guilty of fraud under the said Act], or [have violated, or failed to perform, some of the conditions of the above-mentioned lease], inasmuch as you have [or have not] within the terms and meaning of such lease and of the said Act, and the regulations in that behalf duly made (state nature of the fraud, or breach of conditions complained of): And further take notice, that during the month following the publication hereof in the Gazette, you are at liberty to furnish to the said Commissioner any documentary evidence that [you have not been guilty of the fraud under the said Act above-mentioned] or [that you have not violated, or failed to perform, the conditions of your lease as above-mentioned], as to which the onus of proof is upon you: And further take notice, if you furnish no such evidence, or if the evidence furnished by
The Northern Territory Land Act.—1872.

by you fails to prove to the satisfaction of His Excellency the Governor, by and with the consent of the Executive Council, that you have not [been guilty of the above-mentioned fraud under this Act] or [violated or failed to perform, the above-mentioned conditions of your lease], it will be lawful for His Excellency, by and with the advice and consent aforesaid, to revoke the said lease and resume the lands therein described, after the expiration of one month from the publication hereof in the said Gazette. Dated this day of 1872.

Commissioner of Crown Lands and Immigration.

Clause 45.

SEVENTH SCHEDULE.

No. [Royal Arms.] SOUTH AUSTRALIA.

Miner's Right.

Issued to A. B., of "The Northern Territory Land Act, 1872."

Day of 18

Fee paid—

E. F., Commissioner of Crown Lands.

Clause 47.

EIGHTH SCHEDULE.

No. [Royal Arms.] SOUTH AUSTRALIA.

Date

A. B., of having paid the sum of One Pound, on account of the Public Revenue of the Northern Territory, is hereby licensed for three months from this date, and no longer, to dig, search for, and remove gold from the Waste Lands of the Crown, in the said Northern Territory, within the limits of Mineral Lease No., situate at

Day of 18 C. D., Warden.

Clause 48.

NINTH SCHEDULE.

No. [Royal Arms.] SOUTH AUSTRALIA.

Date

Business Licence.

Issued to A. B., "The Northern Territory Land Act, 1872."

Day of 18 C. D., Warden.

Clause 54.

TENTH SCHEDULE.

[SOUTH AUSTRALIA.

"The Northern Territory Land Act, 1872."]

To C. D., Esq., Warden.

A. B., of, complains of E. F., of, and says—1. That, &c. [Set forth the subject matter of complaint in paragraphs.]

2. That, &c., [Set forth relief sought.]

The complainant therefore prays [set forth relief sought], or such other or further relief as shall be just.

The amount sought to be recovered so far as the demand is pecuniary is £

Dated the day of 1872.

A. B.

ELEVENTH
The Northern Territory Land Act.—1872.

ELEVENTH SCHEDULE.

South Australia.

[“The Northern Territory Land Act, 1872.”]

Plaint No.

To [insert names of all the defendants], of

You are hereby summoned to appear before me, or some other warden, at

the of the next day of o’clock in the of the same day precisely, to answer the complaint of A. B., of [insert names of all the complainants], by which complaint he seeks [here insert nature of complaint, showing whether for encroachment, or forfeiture, or otherwise].

You may have a summons to compel the attendance of any witness, or for the production of any books or documents, on applying at my office.

Bring this summons with you when you come to my office.

Given under my hand this day of 18

C. D., Warden.

TWELFTH SCHEDULE.

South [Royal Arms] Australia.

[“The Northern Territory Land Act, 1872.”]

Plaint No.

To [name of officer], and to the keeper of the gaol at

These are to command you, the said O. B., and to convey him to the said gaol, and deliver him to the said keeper thereof:

And you, the said keeper, are hereby required to receive him into your custody in the said gaol, and him there safely to keep for the term of

unless the sum of shall be sooner paid.

I, the undersigned [name of warden], warden, having now here adjudged the said O. B. to pay a fine of , and in default of immediate payment thereof to be imprisoned for the said term, for that he the said O. B. [here state the case.]

THIRTEENTH SCHEDULE.

South [Royal Arms] Australia.

This indenture made the day of in the year of Our Lord One Thousand Eight Hundred and between of the one part and for Heirs Executors Administrators and Assigns hereinafter designated by the term “Lessee” of the other part.

Now this indenture witnesseth that in consideration of the rent the said Governor doth (subject to the reservations hereinafter contained) demise and lease unto the said Lessee Executors Administrators and Assigns All together with all ways waters watercourses privileges and appurtenances to the same now belonging or therewith occupied or enjoyed. Together also with full and free liberty for the said Lessee Executors Administrators and Assigns and agents and workmen in and upon the said land hereby demised to dig sink drive make and use all such pits shafts levels watercourses and other works which it may be necessary to use in finding seeking for winning working and obtaining the copper and other ores not being gold therein contained and also to appropriate and use such part of the said lands either underground or on the surface as may be proper and requisite as well for depositing and laying down such ores and minerals and placing and heaping the waste refuse and rubbish which may be worked along with them from time to time as for washing and obtaining such ore and minerals and for effectually separating them from all the soil and other substances mixed with them and for smelting or reducing such ore into metal and also for supplying the said mines and works with water or with good and fresh air as for freeing the same from water or foul air and for the purposes aforesaid to erect make and employ all such fire steam water or other engines buildings smelting works furnaces workmen’s houses shops crushing mills sheds or hovels machinery and works as may be proper and reasonable together also with liberty for him and them to erect upon the said land hereby demised smelting works and furnaces hovels and other offices belonging
ing to or necessary for the said works and all other necessary or convenient powers, authorities, privileges and advantages for all or any of the purposes aforesaid subject to the provisions of "The Northern Territory Land Act, 1872" to have and to hold the said lands demised with all mines veins of copper and other minerals (except and subject as aforesaid) and all and singular other the premises with their appurtenances unto the said Lessee Executors, Administrators and Assigns from the day of One Thousand Eight Hundred and [missing text] for and during the full term of years from thence next ensuing and fully to be complete and ended yielding and paying therefor yearly unto Her Majesty Her Heirs and Successors in advance on the day of the current year during the said term the yearly rental or sum of lawful British money the first payment of such rent in advance to be made on the day of.

In Witness whereof the said parties to these presents have hereunto set their Hands and Seals on the day and year first above written.

Signed Sealed and Delivered by His Excellency in the presence of

Signed Sealed and Delivered by the above-named

in the presence of

FOURTEENTH SCHEDULE.

That the Lessee his Executors, Administrators and Assigns shall yearly during the term at the commencement of every current year of the term pay or cause to be paid in advance to the Treasurer of South Australia for the time being on behalf of Her Majesty Her Heirs and Successors the reserved rent free and clear of all taxes rates and outgoing whatsoever, and will not during the continuance of the term apply the land for any other use or purpose than for the purpose of mining and smelting without the permission of the Commissioner of Crown Lands and Immigration in writing. And will during the continuance of the term work and carry on such mines in a fair, orderly, skillful and workmanlike manner, and also that it shall be lawful for Her Majesty Her Heirs and successors and to and for the Governor for the time being of the said Province his and their agents and workmen at all proper and seasonable times during the term without any interruption from the said Lessee or his agents servants or workmen to enter into and upon the premises and into and upon any mines or works that may be found therein to view and examine the condition thereof and whether the same be worked in a proper skillful and workmanlike manner and for such purpose to make use of any of the railroads or other roads or ways machinery and works belonging to such mines and premises. And also that the Lessee his Executors, Administrators or Assigns will not at any time during the continuance of the term place or leave any waste or dead heaps of refuse or rubbish which may be brought out of the said mines and premises near to any river brook or channel of water whereby such waste or dead heaps refuse or rubbish may reasonably be supposed to be liable to be disturbed or carried away by floods or other natural causes. And also will build and keep in proper repair a sufficient and substantial stone wall or other fence round all the pits and shafts which may at any time during the term be open in any part of the demised premises or elsewhere for the purpose of this demise so as effectually to prevent all access thereto by all kinds of cattle. And also will at all times during the continuance of the term keep and preserve the said mines and premises from all unnecessary injury and damage and also all the levels drifts shafts pits sumps watercourses houses, erections, sheds, washing places, puddles and other conveniences, roads, and ways in good order, repair and condition and in such state and condition at the end or sooner determination of the said term deliver peaceable possession thereof. And also will during at least six months in each year of the term employ and keep employed not less than three men for every block of the land demised in mining upon the said land and in searching for or raising ores and will whenever thereunto required by the Commissioner of Crown Lands...
Lands and Immigration or Inspector of Mines of the said Province furnish him with satisfactory evidence that such mining operations have been carried on for the objects and purposes aforesaid. And also that it shall be lawful for the holder of the lease of the run or of any portion thereof on which the land demised may have been surveyed to have free access at all times to any surface water or any water which such person may have procured by artificial means upon the land demised with or without cattle horses sheep and other live stock and to use and enjoy such water for the purpose of consumption by such cattle horses sheep and live stock and generally for his own benefit use and advantage as he shall think proper. That the Lessee his Executors Administrators and Assigns will observe and conform to and hold the demised premises according to the several orders and regulations from time to time in force regulating the tenor of Waste Lands in South Australia for mineral purposes. Provided also that the lease may be declared void and forfeited in manner provided in said Act if default shall be made by the Lessee his Executors Administrators or Assigns in all or any of the following conditions that is to say if the rent be not paid in advance to the Treasurer as aforesaid if three men for every block of land demised be not employed for at least six months in each year of the term of the demise in working on the land demised and in searching for or raising ores or if the Lessee shall permit any portion of the land demised to be occupied other than for mining purposes without the permission of the Commissioner of Crown Lands and Immigration in writing. Provided also that it shall be lawful for the Governor from time to time to resume any land demised for the purpose of making roads for public utility and convenience.

FIFTEENTH SCHEDULE.

I do hereby declare that I am the lawful occupier of the following sections of [purchased lands or lands purchased on credit] in the consisting in all of acres, and for which I claim to depasture cattle on the waste lands in that Hundred.

Dated the day of

SIXTEENTH SCHEDULE.

I, A. B., do hereby solemnly and sincerely declare that I will, to the best of my ability, and without partiality, favor, or affection, correctly survey and delineate the boundaries of such waste lands as may be entrusted to me to be surveyed.

SEVENTEENTH SCHEDULE.

This is to certify that A. B., having satisfactorily proved his qualifications as a Surveyor, is hereby licensed for the survey of waste lands, either for the purpose of the adjustment of the boundaries of runs, or for the survey of new claims, or for the survey of claims for mineral leases.

EIGHTEENTH SCHEDULE.

For every day employed upon any survey, including the time occupied in travelling, and one original chart or plan of such survey, furnished to the employer, and one copy of plan and field notes furnished to the Surveyor-General, an amount not exceeding (exclusive of wages and expenses of party) £ 2 2 0

NINETEENTH
NINETEENTH SCHEDULE.

Form of Information and Complaint against unauthorized occupation of Waste Lands of the Crown.

South Australia, } The information and complaint of A. B.,
\text{to wit.} \quad \text{on behalf of the Commissioner of Crown Lands, taken this day of in the year of our Lord 18\text{, before the undersigned, one of Her Majesty's Justices of the Peace in and for the Province of South Australia, who saith that C. D., of Waste Lands of the Crown, to wit held by him under an agreement bearing date day of 18\text{, which said agreement has been revoked, under the provisions of "The Northern Territory Land Act, 1872."}}

Sworn before me the day and year first above-mentioned, at J.P.

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TWENTIETH SCHEDULE.

Form of Summons to Dispossess Unauthorized Occupant.

South Australia, } In the matter of "The Northern Territory Land Act, 1872," and \text{to wit.} \quad \text{between on behalf of the Commissioner of Crown Lands, complainant, and occupant:}
\text{You are hereby summoned to appear at Magistrate, or two or more Justices of the Peace, on the day of at o'clock in the forenoon, to answer the complaint of on behalf of the Commissioner of Crown Lands, that you are in the unauthorized and illegal occupation of certain Waste Lands of the Crown, to wit, held by you under a lease, dated the day of 18\text{, which said lease has been revoked under the provisions of "The Northern Territory Land Act, 1872," and that you neglect and refuse to deliver up possession of the said lands.}}

Dated the day of 18\text{. In case you fail to attend this summons, upon proof of reasonable notice to you of the same, the complaint will be heard in your absence, and such order made as to the said Special Magistrate or Justices shall see fit.}

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TWENTY-FIRST SCHEDULE.

Form of Warrant to Dispossess Unauthorized Occupant.

South Australia, } In the matter of "The Northern Territory Land Act, 1872," and between \text{on behalf of the Commissioner of Crown Lands, complainant, and A. B., occupant.}

\text{To the Bailiff of and all constables and peace officers. Whereas it has been made to appear to us, and we have adjudged that the said A. B. is in the unauthorized and illegal occupation of [here state description of lands].}

These are, therefore, to require you, the said \text{and others, to deliver peaceable and quiet possession of the said land and premises to the said complainant, and eject the said A. B., and all other persons, therefrom, and for which this shall be a sufficient warrant.}

Given under our hands and seals this day of 18\text{ in the Province aforesaid.}