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VICTORIÆ REGINÆ.

A.D. 1886.

No. 393.

The Crown Lands Consolidation Act, 1886.

ANALYSIS.

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An Act to consolidate and amend the Law relating to Crown Lands in South Australia.

[Assented to, November 17th, 1886.]

WHEREAS it is expedient to consolidate and amend the law relating to the sale, lease, and occupation of Crown lands in South Australia—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:

PART I.

INTRODUCTORY AND GENERAL PROVISIONS.

1. This Act may be cited for all purposes as “The Crown Lands Consolidation Act, 1886.”

2. This Act shall be divided into fourteen parts, relating to the following subject-matters—

PART I.—Introductory and General Provisions, sections 1 to 9:

PART II.—Alienations, sections 10 to 59:

PART III.—Selectors’ Leases, sections 60 to 72:

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PART XII.—Frauds at Auctions, sections 176 to 181:

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PART XIV.—Legal Procedure, Trespasses, and Penalties, sections 219 to 237.

3. The several Acts mentioned in Schedule A hereto are hereby repealed.

4. Such repeal, except where otherwise expressly provided by this Act, shall not affect any existing agreement, lease, or licence made or granted under any of the repealed Acts, nor any estate, right, title, interest, power, duty, obligation, liability, or onus probandi created by, or now or hereafter existing under or by virtue or in respect of, any such agreement, lease, or licence, or under or by virtue or in respect of any of such Acts; nor prejudice or affect anything already lawfully done, or commenced or agreed or authorised to be done, under any of such Acts, or under any existing agreement, lease, or licence, all which agreements, leases, and licences shall be of the same force and effect as if this Act had not been passed: And all divisions, exchanges, proclamations, reservations, dedications, regulations, grants, leases, licences, appointments, payments, surveys, remissions, credits, mortgages, surrenders, extensions, exonerations, disabilities, classifications, valuations, acts, proceedings, matters, and things lawfully made, had, done, or created, or made valid, before the passing of this Act, by, under, or in pursuance of any of such Acts, and all payments, exonerations, resumptions, and remissions which may hereafter be made pursuant to any of such Acts, shall be of the same force and effect, to all intents and purposes, as if the said Acts were still in force: And no action, information, appeal, or other proceeding, criminal or civil, which at the time of the passing of this Act may be depending in any Court, or before any Judge or Justice, arbitrator, or other authority, shall abate or become discontinued, or be in anywise prejudiced or affected, but shall be proceeded with, heard,
heard, and determined, and the verdict, sentence, judgment, rule, order, decision, or award enforced, as if the said Acts were still in force: And, except where otherwise expressly provided, all offences committed, and penalties, forfeitures, and liabilities incurred, before the passing of this Act, or which may hereafter be committed or incurred in respect of, or in relation to, any existing agreement, lease, or licence, or by reason of, or in relation to, any duty, omission, false return, unlawful act, breach, or other matter or thing under or against any of the repealed provisions, shall and may be tried, punished, inquired into, and enforced, as if the said Acts were still in force: And all fees chargeable in respect of any matters under the said repealed Acts shall continue to be payable for the like matters done under this Act: And wherever, in any Act, deed, contract, or agreement, or other written instrument, any reference is made to any of the repealed Acts, such reference shall be read and construed as if this Act had been referred to in lieu of the repealed Act.

Interpretation clause. 5. In the construction of this Act, except where the subject-matter or context or other provisions hereof require a different construction, the following terms in inverted commas shall have the respective meanings hereinafter assigned to them, that is to say—

Agreement. "Agreement" shall mean any agreement entered into by any person with the Commissioner for the purchase of land upon credit under the authority of any of the Crown Lands Acts; but shall not include any scrub lease:

Agricultural lands. "Agricultural lands" shall mean and include country lands and improved lands:

Block of land. "Block of land" shall include as well one section of land as two or more sections contiguous to each other or separated only by a road:

Cattle. "Cattle" shall mean and include camels, horses, geldings, mares, bulls, bullocks, and cows, also foals and calves over six months old:

Commissioner. "Commissioner" shall mean the Commissioner of Crown Lands and Immigration for the time being:

Country lands. "Country lands" shall mean all surveyed Crown lands not being reserves, or town, park, or suburban, or improved lands, or lands reserved for leasing:

Crown lands "Crown lands" shall mean and include all lands in South Australia situated to the south of the twenty-sixth parallel of south latitude, except—

1. Lands reserved for or dedicated to any public purpose:

2. Lands lawfully granted, or contracted to be granted, in fee-simple by or on behalf of Her Majesty:

3. Lands subject to any lease or licence lawfully granted by or on behalf of Her Majesty: And
And shall include all lands which, having been granted, reserved, or dedicated for any purpose, shall have been or shall be lawfully resumed by Proclamation or surrendered; or, having been lawfully held by any person for any estate or interest, or under licence shall have been or shall be lawfully forfeited or resumed; or having been held under agreement and surrendered shall have been or shall be afterwards offered for sale and not sold; or which by any means whatsoever shall have reverted or shall revert to the Crown:

"Crown Lands Acts" shall mean and include all or any of the Acts hereby repealed and this Act:

"Dedicated lands" shall mean all lands dedicated for any purpose by Proclamation under any of the Crown Lands Acts:

"Drainage lands" shall mean all lands reserved for leasing, which in the opinion of the Commissioner are or probably may be beneficially affected by any public works already or hereafter to be carried out at the public cost:

"Grazing and cultivation lands" shall mean all Crown lands described in Schedule C hereto, and such other Crown lands as may from time to time be proclaimed as grazing and cultivation lands:

"Grazing and cultivation lease" shall mean any lease of grazing and cultivation lands granted pursuant to this Act:

"Improved lands" shall mean all Crown lands on which improvements have been made by purchasers on credit or lessees from the Crown:

"Land under agreement" shall mean land purchased upon credit under the authority of any of the Crown Lands Acts, and not absolutely granted by the Crown, but shall not include any land held under scrub lease:

"Lands reserved for leasing" shall mean all lands vested in the Crown situated within the boundaries described in Schedule B hereto:

"Lessee" shall mean any person now or hereafter holding land under a lease granted pursuant to any of the Crown Lands Acts, whether such person shall be the original lessee, or the transferee from or under, or the personal representative of, the original lessee:

"Mineral lands" shall mean all Crown lands and all lands vested in the Crown, notwithstanding the same be subject to any selector's lease, pastoral lease, grazing and cultivation lease, or miscellaneous lease for grazing or cultivation purposes, issued under the authority of any of the Crown Lands Acts, but shall not include any such lands which shall be subject to any then existing mineral lease or licence:
Mineral lease. "Mineral lease\" shall mean any lease of mineral lands granted under any of the Crown Lands Acts for the purposes of mining for any minerals or metals except gold:

Mineral lessee. "Mineral lessee\" shall mean any person now or hereafter holding lands under a mineral lease:

Mineral licence. "Mineral licence\" shall mean any licence granted under any of the Crown Lands Acts authorising the holder thereof to search for metals and minerals (except gold) upon any mineral lands:

Oath. "Oath\" shall include affirmation:

Park lands. "Park lands\" shall mean lands adjacent to a town set apart, reserved, or dedicated for the use and benefit of the inhabitants of such town:

Pastoral Board. "Pastoral Board\" shall mean the Board under \"The Pastoral Crown Lands Amendment Act, 1884.\"

Pastoral lands. "Pastoral lands\" shall include all lands vested in the Crown leased for pastoral purposes, and all Crown lands which the Governor has power to lease for pastoral purposes:

Pastoral lease. "Pastoral lease\" shall mean any lease of lands granted under any of the Crown Lands Acts for pastoral purposes:

Pastoral lessee. "Pastoral lessee\" shall mean any person now or hereafter holding lands under a pastoral lease:

Proclamation. "Proclamation\" shall mean Proclamation by the Governor in the Government Gazette:

Public maps. "Public maps\" shall mean the maps prepared under the direction of and officially certified by the Surveyor-General or Acting Surveyor-General delineating any of the lands of the Crown:

Reserved lands. "Reserved lands\" shall mean all lands reserved for any purpose by Proclamation under any of the Crown Lands Acts:

Scrub lands. "Scrub lands\" shall mean any country lands now held under lease with a right of purchase, pursuant to any of the Crown Lands Acts, and all other country lands which shall have heretofore been or shall hereafter be described as scrub lands in the Government Gazette notice offering the lease thereof for sale:

Scrub lease. "Scrub lease\" shall mean any lease of scrub lands granted pursuant to any of the Crown Lands Acts:

Scrub lessee. "Scrub lessee\" shall mean any person holding land under a scrub lease:

Selection. "Selection\" shall mean the land held by any person under a selector's agreement or under a scrub lease:

"Selector
"Selector" shall mean any person holding land under a selector's agreement or a selector's lease, whether such person shall be the person originally taking or holding such land, or holding as transferee from or under, or as the personal representative of, the original holder:

"Selector's agreement" shall mean any agreement for the purchase upon credit, under any of the Crown Lands Acts, of any agricultural lands or drainage lands:

"Selector's lease" shall mean any lease of lands previously held under agreement and surrendered for a lease, and also any lease of lands reserved for leasing granted under any of the Crown Lands Acts:

"Sheep" shall mean and include rams, goats, wethers, and ewes, and lambs over six months old:

"Special country lot" shall mean any single section of country lands which may be surrounded by land sold, or contracted to be sold, and which shall have been offered for sale and shall have been withdrawn from sale, and shall not have been dedicated for any public purpose; and also any section or block of country lands, not exceeding one hundred acres in extent, which may be required for the establishment of any industry, trade, or business that may be approved by the Governor:

"Suburban lands" shall mean all Crown lands surveyed in sections of not greater area than twenty acres each situated within two miles of any town lands or park lands:

"Swamp lands" shall mean all lands abutting on or near the River Murray, and which, in the opinion of the Commissioner, are liable to be wholly or partially flooded by the overflow of that river:

"Town lands" shall mean all Crown lands set apart, reserved, surveyed, or laid out in lots as the site for a town.

6. The Governor may, subject to the provisions of this Act, from time to time—

(a) In the name and on behalf of Her Majesty grant, lease, or otherwise alienate any Crown lands:

(b) For the public use or benefit—

1. Exchange any Crown lands for any other lands in the province:

2. Accept the surrender of or resume any lands granted after dedication for any public purpose:

3. Authorise the exchange of any lands granted after dedication for other lands so granted:

(c) Demise
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<td>May dedicate lands for public purposes.</td>
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<td>May cancel dedications.</td>
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<td>May reserve lands for public purposes.</td>
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#### (c) Demise to any aboriginal native, or the descendant of any aboriginal native, any Crown lands not exceeding one hundred and sixty acres in area, for any term of years upon such terms and conditions as he shall think fit:

#### (d) By Proclamation dedicate any Crown lands for any of the following purposes—

1. For the preservation of water supply:
2. For public roads or other internal communications, whether by land or water: Provided that the delineation of any public road in the public maps shall be in itself a dedication of such road to the public use:
3. For quays, wharves, or landing places:
4. For public reservoirs, aqueducts, or watercourses:
5. For hospitals, asylums, or cemeteries:
6. For market places or abattoirs:
7. For institutions for public instruction or amusement:
8. For public buildings and schools, not being intended for ecclesiastical or denominational purposes:
9. For park lands or places for the recreation and amusement of the inhabitants of any city, town, or place:
10. For any purpose of public safety, convenience, health, or enjoyment:
11. For any other public purpose that he may think fit:

And may at any time after dedication grant the fee-simple of such Crown lands to secure the use thereof for the purpose for which the same were dedicated, and may, at any time before the grant of the fee-simple of any such land, resume the same wholly or in part, by Proclamation—

#### (e) By Proclamation cancel the grant of and resume any dedicated lands used, held, or dealt with for other than the purpose for which the same were dedicated, or which shall not be used or required for the dedicated purpose:

#### (f) By Proclamation reserve any Crown lands for any of the following purposes—

1. For the use and benefit of the aboriginal inhabitants of the province:
2. For the purposes of military defence:
3. For forest reserves:
4. For mineral reserves or reserves for gold mining purposes:
5. For travelling stock reserves:
vi. For places for the recreation or amusement of the public:

vii. For railways or railway stations:

viii. For any other public purpose that he may think fit:

And may by Proclamation resume the whole or any portion of the Crown lands so reserved. A statement setting forth the reasons for such resumption shall be laid before Parliament within thirty days after such Proclamation, if Parliament be then sitting, and, if Parliament be not then sitting, then within thirty days after the next sitting of Parliament:

(g) By Proclamation—

1. Constitute and define the boundaries of new counties or hundreds or towns, and distinguish each by a name:

2. Declare that any county or hundred or town shall cease to exist as such:

3. Extend or diminish the area of any county or hundred town:

4. Alter the boundaries or name of any county or hundred or town:

5. Add the area taken away from one county or hundred to any other adjacent county or hundred:

6. Divide any county or hundred into two or more counties or hundreds, and give each a distinguishing name:

Every such Proclamation shall state the day from which the same shall take effect, and no Proclamation constituting any new counties or hundreds shall be published unless a list and plans of the counties or hundreds intended to be constituted shall have been laid before Parliament for thirty days:

(h) By Proclamation in the Government Gazette set apart any Crown lands as town lands, suburban lands, or park lands.

7. All grants, leases, and other alienations, and all reservations and dedications, of any Crown lands, shall be made in such form as the Governor shall think fit.

8. Any lands granted in fee-simple for any public purpose after dedication may, with the consent of the Governor, be exchanged for other lands granted for any such purpose, or may be surrendered to the Crown freed from any trust, express or implied, or subject to such trusts as the Governor may approve.

9. The grant in fee-simple of any land in South Australia hereafter granted (except grants in pursuance of any agreement for sale made before the passing of this Act), shall not be construed to include or to convey to the owner in fee-simple for the time being of such
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such land any property in any gold above or below the surface of the land, the same being reserved by the Crown. It shall be lawful for the Commissioner, and for all persons authorised by him, at all times to enter upon any such land, and to search and mine for and remove therefrom any gold there found, doing as little damage as may be to the surface: Provided that in the event of the exercise of the powers hereby conferred the Commissioner shall pay to the person or persons thereby damnified fair and reasonable compensation for any damage sustained (exclusive of the value of any gold on the said land), such compensation to be determined by valuation.

PART II.

ALIENATIONS.

Preliminary.

10. No Crown lands shall hereafter be granted or contracted to be granted in fee-simple unless the same shall have been previously surveyed and marked upon the ground and been delineated in the public maps.

11. The lands shall be surveyed in such-sized blocks as the Commissioner may think fit, but so that no one section of agricultural lands hereafter surveyed shall contain a greater area than five hundred acres.

12. The Commissioner may after such survey and delineation by notice in the Government Gazette describing generally the lands referred to, from time to time declare that any Crown lands shall be open for sale by auction at a date not less than six weeks from the first publication of such notice. Every such notice shall be published in the Government Gazette for four consecutive weeks. No lands reserved for leasing shall hereafter be sold except as town lands, suburban lands, or homestead blocks.

(1) Alienations by Sale under Selectors' Agreements.

13. Agricultural lands may be sold upon credit at the following minimum prices respectively:—Country lands, at One Pound per acre; improved lands, at One Pound per acre, with such an additional sum to cover the value of the improvements on such land as may be fixed by the Commissioner by notice in the Government Gazette. Should any improved lands be unsold for six months after the first publication of the notice offering the same for sale, the Commissioner may from time to time, by a similar notice, reduce the sum payable for improvements.

14. Lands open for sale upon credit, as aforesaid, shall be sold at not less than the minimum price, under and subject to the following conditions—

1. The person making the highest bid above the minimum price
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price for any one section at any auction shall be the
purchaser of that section:

ii. The sections when offered for sale by auction shall be
offered one at a time:

iii. The land shall, in the first instance, be offered for sale by
auction on the condition of personal residence:

iv. Any lands so offered for sale by auction and not sold shall
remain open for selection on the condition of personal
residence, and may be sold upon credit by private contract
to any person applying for the same:

v. Any such lands remaining unselected for a period of three
months after being offered for sale by auction on the con-
dition of personal residence, may be offered for sale by
auction on the condition of substituted residence:

vi. Any such lands which shall remain unsold at such last-
mentioned auction shall remain open for selection on the
condition of personal or substituted residence, and may be
sold upon credit to any person applying for the same:

vii. In cases of simultaneous applications to select the same land,
the person declaring his intention to reside personally on
the land shall be entitled to such land. Simultaneous
applications from two or more such persons, or from two
or more persons desiring to select the same land on the
condition of substituted residence, shall be decided by lot:

viii. No person shall be entitled to become the purchaser of any
land on the condition of substituted residence until he
shall have made a declaration in the form or to the effect
of Schedule D hereto, and shall have deposited the same
with the proper officer:

ix. Any person may bid at any auction through an agent duly
authorised in writing acting in his behalf only, but such
agent shall, before bidding, lodge his authority with the
proper officer, and declare that he intends to bid as an
agent; and no person or firm of persons shall, either per-
sonally or by his or their clerk or servant, act as agent
for two or more persons competing for the same land:

x. Any person who having himself bid or authorised an agent
to bid for any land, and who having become the purchaser
thereof, shall refuse or neglect forthwith to pay the sum
of money payable by him, or who shall afterwards refuse
or neglect to sign an agreement in the form prescribed by
this Act, and any person not entitled to become a pur-
chaser of land upon credit who shall bid at any auction,
and any agent who shall by himself, his clerk, or servant
act for two or more principals competing for the same
land, shall, on conviction, forfeit and pay for each such
offence a penalty of not more than Twenty-five Pounds.
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Sums paid not bona fide to be forfeited.

Deposit of ten per cent to be paid: and if improved lands, value of improvements to be also paid.

Agreement to be prepared in duplicate and forwarded to purchaser.

Agreement to be executed.

Purchaser neglecting, to forfeit deposit and rights.

Disqualification of defaulting purchaser.

Purchase-money, how payable.

15. If any person shall himself, or by an agent, bid for land under the foregoing provisions for any other purpose than that of bona fide becoming the purchaser of the land bid for by him, all moneys paid by such person in respect of his purchase shall be absolutely forfeited; and it is hereby expressly declared that the Commissioner may declare any such forfeiture on any evidence that may appear to him sufficient; and a notice by the Commissioner, published in the Government Gazette, that any such forfeiture has been declared shall be conclusive evidence of such forfeiture, and of the regularity thereof, and shall be an effectual bar to any proceedings which may be instituted by such person, or anyone claiming through or under him for the recovery of any money paid by him as aforesaid.

16. The purchaser of the land shall forthwith pay ten per cent. on the amount of the purchase-money. If the land purchased shall be improved lands the purchaser shall, in addition to the aforesaid percentage of the purchase-money, forthwith pay the full amount specified in the Government Gazette as the value of the improvements on such land.

17. The Commissioner shall, within twenty-one days after the purchase of any land under the provisions hereinafore contained, cause an agreement in duplicate, in the form of Schedule E hereto, or to the like effect, to be prepared and left at the Land Office, or forwarded by post to the purchaser at any address which the purchaser or his agent may give to the proper officer at the time of the purchase.

18. The purchaser shall, within a further period of fourteen days, or such further time as the Commissioner may allow, execute both parts of such agreement, and cause the same, so executed, to be delivered at the Land Office, and the Commissioner shall thereupon also execute both parts of such agreement, and cause one part thereof to be delivered or sent to the purchaser.

19. Any purchaser who shall fail to comply with the requirements on his part to be observed of the last preceding section, shall forfeit all moneys paid by him, and all right to purchase such land, and it shall be lawful for the Commissioner to declare such land again open for sale upon credit.

20. No person who shall have incurred any forfeiture under the preceding provisions of this Act shall afterwards be allowed to complete the purchase of any other selection held by him prior to such forfeiture.

21. The purchase-money for any selection shall be paid as follows—

Ten per cent. at the time of the purchase as before provided:

Ten per cent. at the expiration of three years from the date of the purchase:

And
And five per cent. at the expiration of every year thereafter until the whole of the purchase-money shall be paid.

22. Every selector who shall fail to pay, either wholly or in part, any instalment on account of his purchase-money within thirty days from the time hereinbefore appointed for the payment thereof, shall pay interest at the rate of five per cent. per annum upon the whole amount of such instalment; and on non-payment of such instalment and interest, or either of them, for the period of two years, it shall be lawful for the Commissioner, by notice in the Government Gazette, to declare the agreement held by such selector to be forfeited, and thereupon such agreement shall become void, and the selection therein mentioned shall revert to the Crown.

(2) Provisions applicable to all Selectors’ Agreements.

23. The provisions contained in sections 24 to 34, both inclusive, of this Act, shall apply to all agreements in force entered into under any repealed enactment, as well as to agreements under this Act, and to every purchaser upon credit under any such agreement.

24. Every selector who shall have bonâ fide fulfilled the requirements of his agreement, continuously for ten years, shall be at liberty to complete his purchase at any time thereafter during the currency of the agreement, and shall, on payment of the balance of the purchase-money then due, and of the prescribed fee for the grant, be entitled to a grant of the land in fee-simple.

25. The Governor may at any time, in any case where any selector shall desire to transfer to any corporation or to trustees any portion of his selection to be used as a site for a school, church, chapel, institute, or hospital, or for any other public or charitable purpose, on the application in writing of such selector, grant to any corporation or to trustees any portion of such selection not exceeding for any one of the aforesaid purposes two acres.

26. The Governor may at any time, in any case where any selector shall desire to use or transfer any portion of his selection to be used as a site for a blacksmith’s shop, carpenter’s shop, mill, store, or post office, or for any other purpose to be approved by the Governor, on the application in writing of such selector, grant to him or his nominee any portion of such selection not exceeding, for any one of the aforesaid purposes, half an acre: Provided that no such grant shall be made of any land situated within five miles of any town lands, and that the Governor may require such security to be given as he may think proper that the land so granted will be used for one of the purposes contemplated by this section.

27. Every selector desiring to avail himself of the provisions of the two last preceding sections, or either of them, shall, at or before making his application, pay to the Treasurer the purchase-money for the land for the grant of which the application is made, calculated
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28. Upon application in writing by any selector for permission to surrender his agreement, the Commissioner, if he is satisfied that such agreement was entered into bona fide for the purpose of cultivation, and not in any way for the purpose of infringing or evading the provisions of this Act or any repealed Act, may allow such selector, upon forfeiting any money paid by him in respect of such agreement, to surrender the same, and the same shall thereupon be forthwith cancelled, and the land mentioned in such agreement shall become Crown lands, and the surrendering selector shall be entitled to become a purchaser upon credit of any other land in the same manner as if such agreement had not been made, but shall not be entitled to purchase again the land which he shall thus have surrendered.

29. In case any selector shall desire to obtain a mineral lease of any part of his selection, it shall be lawful for the Governor to grant such mineral lease to such selector in the same manner in all respects as if such land were Crown lands. From and after the granting of such lease the agreement under which such land was held shall be read and construed as if that portion of the said land in respect of which such lease shall have been granted had been expressly excepted from the operation of such agreement, and a proportionate reduction shall be made in the amount of the purchase-money payable under such agreement.

30. Every selector shall, after the coming into operation of this Act, within fourteen days from the expiration of each year from the date of his agreement, deliver at the office of the Commissioner a return containing all the particulars mentioned in Schedule F hereto, and the omission to deliver any such return shall render the land in respect of which such return should have been delivered liable to forfeiture at the discretion of the Commissioner; and the wilfully making of any incomplete return, or any false statement in any such return, shall be a fraud under this Act, and the truth of the statements in every such return shall be declared before some one of the persons authorised by section 215 of this Act to take declarations, and every such return shall be deemed a declaration within the meaning of the said section. In case of the temporary absence from the province of any selector holding a selection under the condition of non-personal residence, such declaration may be made by his attorney or agent.

31. No deed or contract purporting to transfer or otherwise deal with
part of the estate or interest of any selector in his selection, or in any portion of his selection, shall have any force or effect until after the same shall have been approved by the Commissioner; and the Commissioner may approve of a transfer being made to some person to be named as transferee on being satisfied that the land was taken up bona fide for the use and benefit of the transferor, and not with the intention of evading the conditions of the agreement, and that the transferor is from illness, physical incapacity, or necessary absence from the said province, unable to occupy such land, or in cases where a woman holding a selection shall marry, or on the application of the personal representative or devisee of a deceased selector, or where it is satisfactorily shown that continued occupation will inflict a personal hardship upon, or be the occasion of great loss to, the selector, and that the person named as transferee has agreed to purchase the interest of the selector in the selection, and thereupon the person so agreeing to purchase as aforesaid shall be bound by all the conditions of the agreement, in the same manner as if he had been the original selector. No such transfer shall be made so as to enable any person to hold under agreement more than the maximum area provided by this Act, and no person who has transferred any land under agreement under this section shall be allowed to purchase any land upon credit until after the expiration of three years from the date of such transfer.

32. Any person applying for the transfer of a selection may, subject to the approval of the Commissioner and for any of the causes for which the Commissioner may approve of a transfer mentioned in the last preceding section, surrender his agreement; and the Commissioner may, at his discretion, cause the land comprised in such surrendered selection to be resurveyed in two or more blocks at the expense of the selector so surrendering his agreement, and the Commissioner may enter into one or more new agreements for the sale upon credit of such land or any part thereof.

33. Any person having purchased or selected a section of land may, at any time, apply to the Commissioner to cause such section to be divided into two or more parts, and held under two or more agreements by himself and any other person or persons to be named by him and approved by the Commissioner: Provided that such person shall, on so applying, pay the costs of such division: Provided also that the Commissioner may decline to allow any such division.

34. All sums of money which shall be paid for improvements by any purchaser upon credit of any improved lands, shall, to the extent of the value of such improvements for the time being, be allowed to him in computing the amount required to be expended by such purchaser in improvements under the provisions of this Act.

(3) Alienations by Private Contract or by Auction for Cash.

35. Any agricultural lands which shall have remained unselected for
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unselected for two years may be sold for cash.

Town and suburban lands to be sold by auction.

Special country lots may be sold for cash at any time.

Commissioner may fix upset price.

Lands to be gazetted before auction.

Agricultural lands to be always open for sale upon credit.

Purchase-money of lands sold for cash, how payable.

Scrubs lands may be leased with right of purchase.

for two years, after being open for selection for purchase upon credit on the condition of personal or substituted residence, may be sold by auction or private contract to any person for cash at the minimum price provided for by section 13 of this Act.

36. Town lands and suburban lands may be sold by auction for cash, and shall not be sold upon credit or by private contract except under the right of purchase conferred by a lease of any of such lands, under Part xi. of this Act.

37. Any special country lots, may be sold by auction for cash.

38. The Commissioner may fix an upset price at which the lands mentioned in the last two preceding sections may be respectively offered at 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 One Pound per acre.

39. No such lands shall be offered for sale at auction until after a statement showing the particular lands, 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 Government Gazette.

40. Nothing in this subdivision of this part of this Act contained shall prevent any agricultural lands open for selection being selected upon credit, under the foregoing provisions of this Act, at any time prior to the day of sale by auction of such lands, and any such lands so offered for sale by auction, and not sold, shall remain open for sale upon credit or sale by private contract for cash.

41. No Crown lands shall be sold for cash at public auction unless on condition that the purchaser shall pay at the time of sale, in ready cash, a deposit of at least twenty per centum of the purchase-money, and shall pay the residue of the purchase-money within one month next after the time of the sale; and in case the purchaser shall fail to pay the whole of the purchase-money within such period, the deposit shall be forfeited, and the sale of the lands purchased by him shall be null and void, unless the Commissioner shall waive such forfeiture as hereinafter provided.

(4) Alienations by Lease with Right of Purchase of Scrub Lands.

42. Scrub lands may be offered on lease in blocks of not more than three thousand two hundred acres, for any term not exceeding twenty-one years, with a right of purchase at any time during the last eleven years of the term.

43. The right to every lease of scrub lands shall in the first place be offered for sale by auction on the condition of personal residence, and with a provision that all payments of rent shall be credited against
against purchase-money. The land shall be offered at the upset price of One Pound per acre, and the competition shall be in advance of such upset price; and the person who shall be entitled to such lease shall be the person who at such auction shall offer the highest price for the purchase of the land. The amount of the purchase-money shall be payable as rent by equal yearly instalments payable in advance, distributed over the term of the lease.

44. If such right shall not be sold at any such auction the scrub lands offered to be leased shall remain open for selection on scrub lease for at least three months, on the condition of personal residence, at the price of One Pound per acre, payable in manner and at the times in the last preceding section provided for payment of rent.

45. The right to a lease of any scrub lands which shall not have been so selected during such period may afterwards be offered for sale by auction without the condition of personal residence and without the benefit of rent being credited against purchase-money. The lease shall be offered at the upset annual rent of Ten Shillings per square mile, or part of a square mile, with a right of purchase at One Pound per acre, and the competition shall be in advance of such upset rent; and the person who shall be entitled to such lease shall be the person who at such auction shall offer the highest annual rent for the land.

46. Whenever the right to the lease of any scrub lands has been offered for sale at auction under the last preceding section and remains unsold, such lands shall remain open for selection on scrub lease, with or without the condition of personal residence, on the terms at which the same were previously offered at auction, and may be leased to any person applying for the same without being again offered at auction: Provided that no lease shall be so granted for any less rent than the rent at which the land was last offered at auction, and that the Commissioner may cause the right to such lease to be again offered for sale at auction notwithstanding any application which may have been made for the same.

47. Every scrub lease shall contain a covenant by the lessee to pay the rent therein reserved yearly in advance, and also, so far as the nature of the land will permit, to clear wood and timber during each year of the term from not less than one-fortieth part of the land demised, until one-half of the same is rendered available for agricultural purposes; and every such lease shall contain a proviso for forfeiture in case of the breach or non-observance of any of the covenants therein contained.

48. No lessee to whom a lease of any scrub lands shall hereafter be granted shall, by virtue of such lease, be entitled to any rights of commonage, or to depasture any cattle or sheep on the Crown lands within any hundreds.
PART II.

Grazing and cultivation lands may be leased.

Comissioner to fix size of blocks and rent.

Notice to be given of lands open for lease.

Rent.

Applications for lease to be made to Commissioner and laid before Land Board.

Board to determine on applications.

Covenants to be inserted in lease.

49. Grazing and cultivation lands may be offered on lease in blocks of not more than twenty thousand acres each for the term of twenty-one years.

50. The size and shape of the blocks to be offered on lease, and the rent at which the same are offered, shall be determined by the Commissioner.

51. The Commissioner shall, by notice in the Government Gazette describing generally the lands referred to, and stating the rent at which the same are offered, from time to time declare that such lands shall be open for lease, at a date not less than eight weeks from the first publication of such notice. Every such notice shall be published in the Government Gazette at least four times. The land shall in the first place be open for lease on the condition of personal residence. Should no application be made for a lease on that condition within three months from the date on which the land shall be open for lease, or should the applications made be refused, the land shall thereafter be open for lease on the condition of personal or substituted residence, and applications shall state whether such applications are on the condition of personal or substituted residence.

52. The rent shall be payable annually in advance, and shall not be less than one halfpenny per acre per annum in addition to five per centum per annum on the value of all improvements (if any) on the land at the date of the lease.

53. Applications for any such lease may be made to the Commissioner by letter, enclosing the amount of one year's rent as notified in the Government Gazette, and giving the names, addresses, and occupations of the applicants. The Commissioner shall lay all such applications before a Board, which shall consist of three members, to be appointed by the Governor, and which Board shall be called "The Land Board."

54. The Land Board shall meet whenever summoned by the Commissioner, and shall consider the applications received, and decide upon the leases to be granted, and the persons to whom the same shall be granted, preference as between applications for the same land being given to applications on the condition of personal residence, and may, if they think fit, require the personal attendance of and examine applicants for any lease; and the decision of the Board, or a majority thereof, shall in all cases be final.

55. Every such lease shall contain covenants by the lessee to take possession of the leased land within nine months from the date thereof, to pay the rent thereby reserved annually in advance, to pay all rates, taxes, and other impositions which may be payable in respect of the leased land during the lease; to keep and maintain
maintain all improvements on the land in good tenantable and working repair and condition; to insure and keep insured in the full value thereof all improvements (if any) liable to be destroyed or damaged by fire which shall at any time during the lease be upon the leased land, in the joint names of the Commissioner and the lessee, in some insurance office to be approved by the Commissioner; to lodge the policy of such insurance in the office of the Commissioner within one month after the date of the lease, and to forward to the Commissioner the receipts for the premiums payable in respect of such policy within seven days after the same becoming due, and shall also contain a power for the Commissioner to insure on default by the lessee, and to recover the moneys paid for such insurance in like manner as rent is recoverable. In cases where the lease is granted on the condition of personal residence the lease shall also contain a covenant by the lessee during the first year of the term to reside on the leased land for three months at the least, and during every subsequent year of the term to reside on the said land for six months at the least. In cases where the lease is granted on the condition of substituted residence the lease shall also contain a covenant by the lessee during the first year of the term to keep a male substitute over eighteen years of age residing on the leased land for three months at the least, and during every subsequent year of the term to keep a male substitute over eighteen years of age continually residing on the said land during nine months at the least.

56. There shall be excepted from every such lease all timber, stone, lime, sand, metals, and minerals, and power shall be reserved to the Commissioner, and all persons authorised by him by licence or mineral lease issued under the authority of this Act or under regulations for the time being in force or otherwise, to enter upon the leased land, and remove, work, or dispose of such timber, stone, lime, sand, metals, and minerals. The lessee shall nevertheless, with the previous consent of the Commissioner, be at liberty to use for improvements on the leased land any timber, lime, stone, and sand so excepted.

57. The Governor may resume, for roads or railways, or other public purposes, the whole or, from time to time, any portion of the land subject to the lease: Provided that at least one month’s notice of the intended resumption shall be given to the lessee. In case of resumption the lessee shall be paid compensation for the loss he shall sustain thereby, such compensation to be determined in similar manner as provided for valuation for improvements in clauses 191 and 192 of this Act.

58. The lessee shall, at the expiration of his lease by effluxion of time, be paid by the Commissioner the then value of all improvements then on the land bona fide made by the lessee with the consent of the Commissioner during the term of the lease, for the purpose of improving the leased land, or increasing the carrying capacity thereof,
The Crown Lands Consolidation Act.—1886.

PART II.

Leasee not entitled to commonage.

59. No lessee under a grazing and cultivation lease shall by virtue of such lease be entitled to any rights of commonage or to depasture any cattle or sheep on the Crown lands within any hundreds.

PART III.

SELECTORS' LEASES.

60. Any selector may, in manner provided by regulations for the time being in force on the subject, surrender his selector's agreement in exchange for a selector's lease of the same land; and all selectors' leases of surrendered lands heretofore granted shall be as valid as if granted under this Act.

61. Every lease of surrendered lands shall be for a term of twenty-one years, commencing from the date of such lease being granted, at such rent (not being less than Twopence per acre) as shall be fixed by the Commissioner by valuation of the land, exclusive of the improvements thereon; and shall contain a right of renewal for a further term of twenty-one years, commencing from the expiration of the original lease, at such rent (not being less than the original rent) as shall be fixed by the Commissioner by valuation.

62. The lessee under any such lease shall have the right to transfer such lease, and after such transfer the transferee shall hold the land therein described upon the same terms and conditions as the transferor previously held the same.

63. Any selector who shall heretofore have surrendered, or shall hereafter surrender, his agreement in exchange for a lease, and who shall have purchased and paid for any excess area of land, shall, on surrendering his receipt for the purchase-money of such excess area to the Commissioner, be credited with the amount so paid by him against the rent payable under his lease, and the land purchased by him as aforesaid shall thereupon revert to the Crown, and shall be included in his lease.

64. The Commissioner shall cause all lands reserved for leasing to be surveyed, and selectors' leases thereof to be offered for sale by auction at an upset annual rental to be fixed by the Commissioner according to the quality of the land and the value of the improvements thereon.
65. As to any drainage lands reserved for leasing, the term of the lease shall be for fourteen years with a right of renewal for a further term of fourteen years, commencing from the expiration of the original lease, at an annual rent to be fixed by the Commissioner by valuation having particular reference to any increase in the value of the land by reason of any works carried out at the public cost: Provided also that the lessee of any drainage lands under Act No. 318 of 1884 may surrender the lease and obtain a new lease of such lands for fourteen years from the date of the original lease, with the right of renewal for a further term of fourteen years, as if the land had been let under this Act.

66. All other lands reserved for leasing shall be surveyed in blocks, according to the quality of the land, and the leases thereof to be offered for sale shall be for a term of fourteen years, with a right of renewal for a further term of fourteen years, commencing from the expiration of the original lease, at an annual rent to be fixed by the Commissioner in the same manner as the rent under the original lease shall have been fixed.

67. The rent reserved by every selector's lease shall be paid annually in advance; and every such lease shall bind the tenant to fence the land leased within two years from the date of the lease, and to personally reside on such land for three months during the first year, and for nine months at the least in every succeeding year of the term; and every such lease shall also contain such right of re-entry and such other terms and conditions, not inconsistent with the provisions of this Act, as the Commissioner may see fit to impose.

68. Provision shall be made in every selector's lease enabling the Governor to resume, for public purposes, the whole or, from time to time, any portion of the land leased: Provided that at least six months' notice of the intended resumption shall be given to the lessee by publication in the Government Gazette, and that within three months after the resumption the lessee shall be paid compensation for the loss which he shall sustain thereby in an amount to be fixed by valuation.

69. Every lessee desirous of exercising any right of renewal conferred by any selector's lease, shall, not less than three months nor more than six months before the expiration of the original lease, give written notice to the Commissioner of such desire, and shall execute the renewed lease within a time to be fixed for the purpose by the Commissioner by notice published in the Government Gazette.

70. Every such renewed lease shall contain the same terms and conditions, so far as applicable, as the original lease, excepting only that it shall not confer any right of renewal.

71. Every lessee who shall fail to give such notice, or to execute such
such renewed lease, as hereinbefore provided, shall forfeit his right of renewal. And the Commissioner shall cause all improvements then on the land, made by the tenant with the consent of the Commissioner during the term of the lease, and also as to surrendered lands during the term of the surrendered agreement, to be valued, and shall cause a lease similar to that in respect of which the lessee forfeited his right of renewal to be offered for sale by auction at a premium of not less than three-fourths of the value of such improvements, to be paid in cash by the purchaser to the Commissioner, and afterwards to be paid by the Commissioner to the outgoing lessee. And every lessee shall, at the expiration of any renewal of any selector’s lease held by him, be entitled to be paid by the Commissioner three-fourths of the value of any improvements then on the land made by the lessee, with the consent of the Commissioner, during the original or renewed term of the lease, and also as to surrendered lands during the term of the surrendered agreement, such value to be fixed by valuation.

72. All lands reserved for leasing, the lease of which shall have been offered for sale by auction and not sold, may be taken up on lease at the upset price by any eligible person on the terms on which such lease was offered for sale, on application to be made in manner provided by regulations for the time being in force on the subject; and if not so taken up within the time prescribed by such regulations, leases of such lands may be offered for sale by auction at such reduced rent as the Commissioner may from time to time fix.

PART IV.

MAXIMUM AREA OF LAND WHICH MAY BE HELD UNDER SELECTOR'S AGREEMENT, SCRUB LEASE, SELECTOR’S LEASE, AND GRAZING AND CULTIVATION LEASE, AND CONSTRUCTION OF RESIDENCE AND CULTIVATION CONDITIONS.

73. No person under the age of eighteen years, nor any married woman, except a married woman who has been judicially separated from her husband, or has obtained a protection order, binding according to the laws for the time being in force in the province, shall be entitled to hold, directly or otherwise, any lands comprised in a selector’s agreement, scrub lease, grazing and cultivation lease, or selector’s lease, unless such person or married woman shall become entitled to such lands as the personal representative or devisee of a selector or lessee: Provided that should a woman holding any such lands subsequently marry, it shall be lawful for her to transfer the agreement or lease held by her; but not so as to thereby enable any person to hold a greater area of land than the maximum area limited by this Act.

74. The maximum area of agricultural lands and lands reserved for leasing which any person shall be capable or competent, either
directly or indirectly, to hold, or to have any interest whatever in at any one time, shall be as follows—

(a) Under selector's agreement—one thousand acres:

(b) Under scrub lease—three thousand two hundred acres:

(c) Under grazing and cultivation lease—one block not exceeding twenty thousand acres:

(d) Under selector's lease—

(1) One thousand acres of drainage lands:

(2) One block of other lands reserved for leasing:

(3) Three thousand acres of lands previously held under agreement and surrendered for a lease—except within the boundaries defined in Schedule G hereto, and in such other hundreds or parts of hundreds as may from time to time be proclaimed by the Governor, within which the aggregate area may be extended to five thousand acres:

Subject to the following provisions:—

(1) No person shall hold under selector's agreement and under lease of drainage lands together more than one thousand acres:

(2) No person shall hold land under agreement on the condition of personal residence outside of the boundaries defined in Schedule B hereto, and also drainage lands:

(3) No person shall hold of land under agreement and of lands previously held under agreement and surrendered for a lease together more than three thousand acres, with the exception that, within the boundaries defined in Schedule G hereto, and in such other hundreds or parts of hundreds as may from time to time be proclaimed by the Governor, a person may hold under selector's lease sufficient lands to make up together with the lands held by him under selector's agreement five thousand acres:

(4) No person shall hold more than one grazing and cultivation lease:

(5) No person shall hold under agreement more than three separate and detached blocks of land:

(6) No person who shall have held, or shall hold, land under agreement pursuant to any of the Crown Lands Acts, shall hold under agreement under this Act a larger area of land than would with the land so held by him make together one thousand acres: Provided that lands surrendered pursuant to section 30 of the Crown Lands Consolidation Act (hereby repealed), or section 28 of this Act; and lands surrendered in exchange for a lease under any of the Crown Lands
PART IV.

Lands Acts before the first day of August, one thousand eight hundred and eighty-five, and subsequently transferred; and lands surrendered under section 2 of the Crown Lands Amendment Act, 1882, and not repurchased by the same selector; and lands held under agreement by any selector who has, or shall, become insolvent, or has made, or shall make, any statutory assignment for the benefit of his creditors, shall not be computed as part of such one thousand acres, as against the person who shall have surrendered such lands, or shall have become insolvent or made such assignment.

(7) No selector or lessee shall hold any land under selector’s agreement, selector’s lease, grazing and cultivation lease, or scrub lease, or any part of or interest in any such land, as agent, servant, or trustee for any other person, nor agree with any other person to permit any person to acquire by purchase or otherwise any such land, or any part of or interest therein; and every violation or attempted violation of this provision is hereby declared to be a fraud under this Act; and all contracts, agreements, securities, bonds, and other instruments which shall be entered into, made, or given, with the intent of violating or evading this provision directly or indirectly, are hereby declared to be illegal and, as between all the parties thereto, absolutely void.

75. Any person who shall knowingly become, or shall for the space of three months knowingly continue to be, the beneficial holder under selector’s agreement, scrub lease, grazing and cultivation lease, or selector’s lease, respectively, and, whether in his own name or in the name of any other person on his behalf, of more than the maximum area of land allowed by this part of this Act, shall forfeit all land and agreements and leases held by him under such selector’s agreement, scrub lease, grazing and cultivation lease, or selector’s lease, and shall be guilty of a misdemeanor, punishable on a first conviction by a fine of not less than Ten Pounds nor more than Five Hundred Pounds, or in default of payment by imprisonment not exceeding twelve months, and for a second and every subsequent offence by imprisonment not exceeding five years, with or without hard labor. All prosecutions under this section must be instituted at the instance of the Attorney-General; and it shall be presumed that the act complained of was done knowingly, unless the defendant shall prove the contrary.

76. Any selector who shall have purchased less than the maximum area which he is entitled to hold under selector’s agreement may take up sufficient agricultural lands to make up such maximum area, subject to the following conditions—

1. The purchaser at any auction may, at the time of purchase, select the deficient area from adjoining lands; but so that only one section shall be subdivided to make up the deficiency:

2. Any
II. Any selector may make up the deficiency at any time from any lands open for selection:

III. The direction of the line subdividing any section shall be subject to the approval of the Surveyor-General:

IV. A fee of Ten Pounds shall be paid for the subdivision of each section by the person requiring the same.

77. Notwithstanding anything hereinbefore contained, it shall be lawful for any selector, where the block or blocks of land purchased or selected by him shall contain, as surveyed, an area of not more than sixty acres in excess of the maximum area which he is entitled to hold under selector's agreement, to purchase such excess, upon payment in cash at the time of selection, at the same rate per acre as he agrees to pay for the other land purchased or selected; but such person shall not be entitled to a land grant for the excess so purchased unless and until he shall have completed the purchase of the other purchased or selected land; and in case the other land purchased or selected by him shall be forfeited, the money so paid shall be forfeited, and the excess of land so purchased shall revert to the Crown.

78. Lands devolving to the devisee or personal representative of any deceased selector or lessee in trust for any other person or persons, shall not be included in the maximum area which such devisee or personal representative is entitled to hold: Provided that such devisee or personal representative shall, within three months from the date of the grant of the probate or letters of administration to him, give notice in writing thereof, and sufficient particulars to identify the land so devolving to him, to the Commissioner, and, in default of and until such notice, shall not be entitled to select or become the lessee of any other Crown lands so as to increase the area held by him: Provided also that when any such devisee or personal representative, having already selected land upon credit, or become the lessee of any lands under any of the Crown Lands Acts, shall take such devolved lands for his own benefit, he shall be entitled to hold the lands to which he shall so become entitled as devisee or personal representative, in addition to the land theretofore selected or held by him, although the aggregate thereof may exceed the aforesaid maximum area, but shall not thereafter be entitled to select or hold land so as to exceed such maximum area.

79. The following rules of construction shall be applied to the conditions as to personal residence on, and improvements, ploughing, cultivation, fencing, and clearing of, lands held under selectors' agreements, scrub leases, and selectors' leases—

(1) Residence on any land held under a selector's agreement shall be considered residence on all lands held by the same person under selector's agreement; and on all lands outside of the boundaries defined in Schedule B hereto held by him under
under selector's lease; and such residence shall continue to be so considered during the currency of any of his agreements or leases notwithstanding he may complete the purchase of the land on which he shall reside:

(2) Residence by any person on any land under agreement within the boundaries defined in Schedule B, hereto or on any lands reserved for leasing, shall be considered residence by such person on all such lands held by him:

(3) Residence by any person on his own freehold or leasehold land within ten miles of any scrub lands shall be considered residence by such person on such scrub lands:

(4) Residence on any drainage lands shall be considered residence on all lands situated within the boundaries defined in schedule B hereto held by the same person under selector's agreement, and on all drainage lands held by him and vice versa:

(5) Residence on any land outside of the boundaries defined in Schedule B hereto held under a selector's lease shall be considered residence on all such lands held by the same person, and on all lands held by him under selector's agreement:

(6) Residence on any land immediately adjoining any land held by the same person under selector's agreement or lease shall, with the consent of the Commissioner, be considered residence upon the land so held by him under agreement or lease; but so long only as such person shall have the right to the possession of such first-mentioned land:

(7) If any selector shall hold land under more than one selector's agreement, the covenants as to improvement, ploughing and cultivation contained in such agreement, shall be deemed to be sufficiently performed if performed in respect of lands included in any one or more of such agreements to an extent which would have been a sufficient performance of such covenants, if all lands so held by him had been included in one selector's agreement:

(8) If any scrub lessee shall hold scrub lands under more than one scrub lease, and such lands shall be contiguous, the covenants contained in such leases shall be deemed to be sufficiently performed if performed in respect of land included in any one or more of such leases to an extent which would have been a sufficient performance if such contiguous lands had all been included in one scrub lease:

Provided that residence on, or improvements, ploughing, and cultivation of, any purchased selection shall cease to be a performance of such conditions whenever the selector shall sell, or agree to sell, or shall let, or in anywise part with the possession of such purchased selection: And that in every case where, and so long as any selector shall,
shall, claim the benefit of this section as to residence on, or improvements, ploughing, or cultivation of, any purchased selection, he shall deliver the like returns at the office of the Commissioner respecting the purchased selection as it would have been obligatory upon him to do had such selection been still held under agreement: And provided that personal residence by a selector on any land held by him under selector's lease shall not be considered personal residence on any land held by him under selector's agreement unless the consent, in writing, of the Commissioner to such residence shall have been first obtained.

80. Any covenant or condition contained or implied in, or imposed by, any selector's agreement, scrub lease, grazing and cultivation lease, or selector's lease, may be performed or completed by the transferee, personal representative, or devisee of the selector or lessee holding the same; and any person becoming entitled as the transferee of a selector or lessee, or as the personal representative or devisee of any deceased selector or lessee, shall hold the land upon the same terms and under the same conditions as the original selector or lessee, except that it shall not be obligatory on such personal representative or devisee to comply with the condition requiring personal residence: Provided that the personal representative or devisee so becoming entitled shall, within three months of his becoming entitled, give notice thereof to the Commissioner, and furnish him with evidence to his satisfaction of his title, and in default of compliance with this proviso, the defaulting personal representative or devisee shall be liable to a penalty of not exceeding Ten Pounds for every month or portion of a month during which he shall fail to comply with this proviso: Provided also that such personal representative or devisee if widow of the deceased selector shall, with the consent of the Commissioner, be at liberty to let the land for such term not being longer than the unexpired term of the agreement and upon such conditions as may be thought fit, comprising nevertheless the term and condition of the agreement.

81. The Commissioner may, in writing, wholly or partially remit the provisions for cultivation or clearing contained in any selector's agreement or scrub lease in any case where it shall be proved to his satisfaction that the selection is unsuitable for cultivation, or that by reason of any special circumstances it would be impossible to comply with, or would inflict great hardship upon, the selector or lessee to enforce such conditions; and may also, in writing, whenever he shall consider it necessary, remit the condition or covenant for personal residence contained in any selector's agreement, selector's lease, grazing and cultivation lease, or scrub lease, for any period not exceeding six months at any one time; and shall cause a return of all such remissions, with the reasons therefor, to be annually laid before Parliament within one month after the opening of Parliament for the dispatch of business.
PART V.

MORTGAGES OF SELECTORS' AGREEMENTS.

82. Any selection may, after a period of two years and six months have elapsed from the time when the selection was first agreed to be purchased, be mortgaged by the selector holding the same, subject to the following conditions—

i. Application in writing for permission to mortgage the selection shall be made to the Commissioner:

ii. Every such application shall contain the following particulars—

   The name of the mortgagee:
   The consideration for the mortgage:
   The rate and time for payment of interest or other charges to be paid:
   The term of the mortgage:

iii. Notice of the application to mortgage shall be published for two consecutive weeks in the Government Gazette:

iv. The Commissioner may, after the second publication of such notice, in his discretion, either grant or refuse the application.

83. The mortgagee of a selection shall forthwith, in manner prescribed by regulations for the time being in force, register his mortgage, and shall produce the mortgage when so registered, together with the mortgaged agreement, at the Crown Lands Office, and shall pay a fee of Two Shillings and Sixpence on each agreement so produced for noting the mortgage on the duplicate agreement in such office.

84. In cases where a selector shall, with the consent of the Commissioner, have assigned his interest, by way of mortgage, in any credit selection, and shall afterwards neglect to comply with the conditions relating to residence, cultivation, and improvements, or other the conditions contained in his agreement, the Commissioner shall give notice in writing of such neglect by such selector to the mortgagee; and if, after receipt of such notice, the mortgagee (or some person appointed by him), shall within three months comply with all the conditions contained in the agreement so mortgaged to him, the said agreement shall not be liable to forfeiture by reason only of the breach by the mortgagor of all or any of the conditions therein contained and on his part to be performed.

PART VI.

SALES OF CREDIT SELECTIONS BY TRUSTEES IN INSOLVENCY AND MORTGAGEES.

85. If any selector shall be adjudicated insolvent, or shall execute
execute any statutory assignment for the benefit of his creditors, or shall fail to comply with any of the conditions of any mortgage of his selection under any of the Crown Lands Acts, his interest in the selection held or mortgaged by him may, with the consent of the Commissioner, be offered for sale by the person in whom, by virtue of such insolvency, assignment, or mortgage, the interest of such selector in the selection shall be vested.

86. The interest of the selector in any such selection shall in the first place be offered for sale by public auction, of which not less than fourteen days' notice shall have been given by advertisement in the Government Gazette.

87. Should the interest of the selector so offered for sale by public auction not be sold, the person entitled to sell such interest may effect a sale thereof by private contract; and if no sale of the interest of a selector who shall have been adjudicated insolvent, or who shall have executed a statutory assignment for the benefit of his creditors, shall be effected by public auction or private contract within twelve months after the date of the adjudication of insolvency or assignment, the selector's agreement held by him shall be void and the land therein mentioned shall revert to the Crown: Provided always that the Commissioner may, at his discretion, extend the period during which a sale of the interest of a selector who shall have mortgaged his selection may be effected, in which case the selector's agreement shall remain in full force during such extended period.

88. Upon any such sale being effected, whether by public auction or private contract, the person entitled to effect such sale as aforesaid shall forthwith after such sale forward to the Commissioner a certificate in such one of the forms in the Schedule II hereto as shall be applicable, and furnish him with evidence to his satisfaction of the truth of the particulars therein contained, and shall therewith forward the agreement under which the land so sold shall be held for the purpose of having the name of the purchaser substituted for that of the selector whose interest shall have been so sold.

89. If the documents and evidence required by the last preceding section shall not be forwarded and furnished to the Commissioner within twelve months from the date of adjudication or assignment or of the sale by the mortgagee, the agreement under which the land shall be held shall be void, and the land therein mentioned shall revert to the Crown.

90. The purchaser under any sale under this part of this Act shall, from the time of the purchase by him, have the same rights, and be under the same liabilities and obligations as regards the selection as if he were the original selector.

91. No person shall be entitled to become the purchaser under this Part VI of any selection may be sold in certain cases.
PART VI.

Information may be laid for the purpose of examining selectors and lessees.

PART VII.

PROVISIONS FOR EXAMINATION OF SELECTORS AND LESSEES, AND FOR SUMMARY FORFEITURES.

92. Any person authorised by the Commissioner may lay an information in the form of Schedule I hereto, or to the like effect, before any Justice of the Peace, for the purpose of examining any selector or scrub lessee, or person holding land under a grazing and cultivation lease, touching and concerning any selection or land included in a selector's lease or grazing and cultivation lease held by him, and the compliance with or the breach or violation by any such selector, or scrub lessee, or person, of the provisions of any of the Crown Lands Acts, and the terms and conditions of any selector's agreement, selector's lease, scrub lease, or grazing and cultivation lease held by him; and thereupon such Justice shall forthwith issue his summons in the form of Schedule J hereto, or to the like effect, directed to the selector or scrub lessee or person mentioned in such information, requiring him to appear at a certain time and place before such Special Magistrate or Justice of the Peace as may then be there, and to continue in attendance until discharged, and to be examined touching and concerning the several matters and things referred to in the said information, and also at the same time and place to produce all agreements, leases, deeds, documents, books, and other writings to be specified in such summons.

93. Every Justice of the Peace shall, on the application of any party interested, issue his summons in the form of Schedule K hereto, or to the like effect, requiring any person or persons to be and appear, at a time and place mentioned in such summons, before such Special Magistrate or Justice of the Peace as shall then be there, to testify what he or they shall know concerning the matters referred to in any such information, and to produce all agreements, leases, deeds, documents, books, and other writings to be specified in such summons; and any person summoned as aforesaid under this or the preceding clause who shall, without sufficient excuse to the satisfaction of the presiding Special Magistrate or Justice, fail to attend and continue to attend to be examined in accordance with any such summons, or who shall, after attending, refuse to answer any question relating to the several matters and things referred to in any such summons, or who shall refuse to sign the evidence given by him, shall forfeit and pay a penalty of not less than Twenty Pounds nor more than One Hundred Pounds; and any selector or lessee summoned as aforesaid who shall refuse to answer any question relating to any selection or land under lease held by him, or refuse to sign the evidence given by him, shall, in addition to such penalty, forfeit all selections and lands under lease held by
by him, and all moneys paid in respect thereof, and such selections and lands under lease shall revert to the Crown, and all selector's agreements and leases held by him may be revoked, and possession of the land mentioned therein may be resumed in manner hereinafter provided.

94. The evidence of all persons at any such examination shall be upon oath, to be administered by the presiding Special Magistrate or Justice of the Peace, and shall be taken down in writing and signed by the person examined, and such evidence shall forthwith be forwarded to the Commissioner by the Special Magistrate or Justice of the Peace taking the same; and no person shall be protected at any such examination as aforesaid from answering any questions which may be put to him by reason only that his answer would subject him to fine or penalty by reason of any breach of or offence against any of the Crown Lands Acts; but no evidence given by him under the provisions hereof shall be used or receivable in any proceedings against him except under this Act, and, except in criminal proceedings, for perjury in respect of such evidence.

95. Any person who shall wilfully make a false statement before any Special Magistrate or Justice of the Peace, upon being examined under the provisions of this Act, shall be deemed guilty of perjury, and shall be liable to the penalties of perjury, and all selections and lands under lease (if any) held by him, and all moneys paid by him on account thereof, shall be absolutely forfeited.

96. It shall not be compulsory on any person, excepting the selector or lessee touching or concerning whose selection, land under lease, or whose agreement, or lease, any such examination is held, to attend upon any summons unless he shall have been previously paid his reasonable expenses, not exceeding Seven Shillings per day, and Sixpence per mile (one way) for travelling expenses.

97. If any selector shall wilfully make any false statement in any declaration made pursuant to this Act, or if any selector or scrub lessee or person holding land under grazing and cultivation lease shall, in contravention of this Act, at any one time hold under agreement for purchase upon credit, or under selector's lease or scrub lease, or under grazing and cultivation lease, or under all or any of such modes, more than the maximum area which he is entitled to hold under this Act, he shall be guilty of a fraud under this Act, and all selections and lands under selector's leases or under grazing and cultivation lease held by him, and all moneys paid by him on account thereof, shall be absolutely forfeited.

98. The Commissioner, on being satisfied that any selector or selectors, scrub lessee or scrub lessees, or person or persons holding land under grazing and cultivation lease, has or have jointly or severally committed any act or acts rendering the selections and lands under lease held by them, or any of them, liable to forfeiture,
or has or have jointly or severally been guilty of fraud under any of the Crown Lands Acts, or has or have jointly or severally violated or failed to perform any of the conditions contained or implied in or by his or their selector's agreement or agreements, or lease or leases, may publish in the Government Gazette a notice in the form or to the effect of Schedule L hereto.

99. A copy of every such notice, or of so much thereof as is applicable to each selector or lessee, shall, either before or after the publication of such notice in the Government Gazette, be served upon every selector and lessee named in such notice, or may be posted to his last known address, or the place of residence mentioned in his selector's agreement, or in his lease.

100. Every selector or lessee who, after having been summoned for examination under section 93, shall, before the final determination in his favor of the matters in respect of which he shall have been summoned, and every selector or lessee named in any notice under section 98 who shall, after the publication of such notice in the Government Gazette, and before the final determination of the inquiry in his favor, and every selector or lessee named in any such notice who, if the final determination of the inquiry shall result in a forfeiture, shall, at any time after the publication of such notice, and every other person who shall, after any such inquiry shall have been instituted, and whilst any such inquiry shall be pending, or after any such inquiry shall have terminated in a forfeiture, remove, injure, or destroy, or permit or procure to be removed, injured, or destroyed, or be concerned in removing, injuring, or destroying, any improvements on any land held by any selector or lessee summoned or named in any such notice, shall be guilty of a misdemeanor, and, on being convicted thereof, shall be liable to be imprisoned, with or without hard labor, for any term not exceeding two years.

101. It shall be lawful for each of the selectors and lessees named in such notice, at any time before the expiration of one month from the publication of such notice in the Government Gazette, to furnish the Commissioner with any documentary evidence which such selector or lessee shall consider expedient, such documentary evidence to consist of a statement or statements in writing, signed by him, or any person desiring to testify to any facts on his behalf, and declared to be true before some one of the persons authorised to take declarations under this Act, that the selector or lessee has not committed any act rendering the selection or land under lease held by him liable to forfeiture, or that he has not been guilty of a fraud under any of the Crown Lands Acts, or has not wilfully violated or failed to perform the conditions of his agreement or lease mentioned in such notice (as to which the burden of proof shall be upon the selector or lessee holding the same).
102. If any such selector or lessee shall furnish no such evidence, or if the evidence furnished by him shall fail to prove to the satisfaction of the Commissioner that the selector or lessee has not committed any act rendering his selection, or his land held under lease, liable to forfeiture, or that he has not been guilty of a fraud under any of the Crown Lands Acts, or has not wilfully violated or failed to perform the conditions of his agreement or lease, as mentioned in the said notice, it shall be lawful for the Commissioner, at any time after the expiration of one month from the publication of such notice, to revoke such agreement or lease, and to resume possession of the land therein described; and thereupon no claim at law or in equity under any such revoked agreement or lease (except as against the selector or lessee therein named), shall be made, entertained, or enforced in any Court; but such selector or lessee shall be taken to have forfeited all right, title, and interest under such revoked agreement or 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 Government Gazette, containing a notice by the Commissioner of any such revocation and resumption, in the form or to the effect of Schedule M hereto, shall be conclusive evidence that the agreements and leases mentioned in such notice have been lawfully revoked and that the land therein mentioned has been lawfully resumed.

103. No selector whose agreement, and no lessee whose lease shall be so revoked, shall be entitled or allowed to again become a selector or scrub lessee, or to hold land under grazing and cultivation lease, under this Act for the space of five years from the date of such revocation: Provided always that when such revocation shall be occasioned by fraud on the part of such selector or lessee he shall be debarred for ever from becoming a selector or lessee within the meaning of this Act.

104. Whenever any agreement or scrub lease for the purchase of land by a selector or scrub lessee shall have become or be liable to revocation for non-performance or violation of any of the conditions therein contained, and in the opinion of the Commissioner a lesser penalty than revocation would meet the justice of the case, the Commissioner may from time to time extend the period during which the purchase of the land mentioned in such agreement or lease may be completed, for such time and subject to such terms and conditions as he may think fit; and all acts done by the Commissioner, and all terms and conditions imposed by him in such cases before the passing of this Act, are hereby declared to be as valid and effectual as if done and imposed under this Act. The terms and conditions so imposed by the Commissioner shall be binding upon the selector or scrub lessee, and all transferees, mortgagees, assignees, and other persons claiming through or under him, and the agreement or scrub lease under which the selection is held shall be construed as if the said terms and conditions were contained therein.
PART VIII.

PASTORAL LEASES.

105. Any portion of the Crown lands not included in any hundred and not subject to any lease for pastoral purposes may be leased for pastoral purposes, and no pastoral lands shall hereafter be leased for such purposes except in manner provided by this part of this Act, or for the purpose of giving effect to any existing preferential right or any existing right of renewal.

106. For the purposes of this part of this Act pastoral lands are divided into three classes, as follows—

Class I. Including all pastoral lands now held by any pastoral lessee for any term of years granted by any new lease issued pursuant to "The Waste Lands Amendment Act, 1867" (sections 3 and 4), the "Waste Lands Amendment and Procedure Act, 1869-70" (section 31), and "The Pastoral Lessees Relief Act," No. 24 of 1872; or any or either of them; or which, having been held under any such new lease, are now held under any other leases expiring in the year 1888, or on the 1st January, 1889, and granted in lieu of such new lease:

Class II. Including all pastoral lands which, on the 14th day of November, 1884, were held by any pastoral lessee for any other term of years, or which have since or shall hereafter be held by any pastoral lessee for any term of years granted by any lease issued pursuant to any existing preferential right, or any existing right of renewal:

Class III. Including all pastoral lands not included in Class I. or Class II.

(a)—Relating to Class I.

107. Whenever any pastoral lease of any pastoral lands in Class I. shall have expired or determined, or be about to expire or determine, and the lands included in such lease shall not be required for any other purpose, the Commissioner may cause to be offered for sale by auction leases for pastoral purposes of such lands in such sized blocks as the Commissioner, with the advice of the Pastoral Board, may determine to be most suitable for securing the stocking and development of the country and the utilising of the improvements thereon: Provided that, in the event of the Commissioner disagreeing with the advice of the Board, he may himself determine the size of any block, after a plan and particulars of the block, as proposed by the Commissioner, together with the report of the Board, shall have been laid before Parliament for one month.

108. Every such lease shall be for a term of twenty-one years, and the annual upset rent shall be fixed by valuation, and the rent paid annually
annually in advance. The lessee shall also pay a deposit to the amount of ten per cent. upon the value of the improvements upon the land so leased, which deposit shall be held by the Commissioner as security for the maintenance of the said improvements in a proper state of repair, such deposit to be paid at the time of the lessee becoming entitled to possession, and interest at the rate of five per cent. per annum on such deposit shall be allowed as against the rent payable under such lease: And, provided the lessee shall have complied with the conditions of the lease, such deposit shall be repaid to the lessee on the expiration of the lease, or so soon as the lessee shall have made improvements on the land leased equal in value to the amount of the deposit, whichever shall first happen, unless the lessee shall have previously permitted any improvements on the land to fall into disrepair, in which case the said deposit or an amount equal to the depreciation in value of such improvements thereby occasioned shall be forfeited.

109. Leases shall be offered for sale, as provided by section 107, at any time not earlier than two years and not later than six months before the expiration or determination of the expiring or determining leases, as mentioned in such section: Provided that any leases offered at auction and not sold may be re-offered by the Commissioner at any time thereafter, at such reduced rent as he shall think fit, but no such reduced rent shall be less than Five Shillings per square mile.

110. The pastoral lessee of any pastoral lands in Class 1. shall, notwithstanding the sale of a new lease of any lands included in his lease, during the term of his lease be entitled to the possession of such lands until the expiration of his existing lease, and may (in cases where a new lease of such lands shall be sold during the last twelve months of his existing lease), continue in occupation of such lands for a period of twelve months after the sale of such new lease, notwithstanding the expiration of his existing lease. Every such pastoral lessee so continuing in occupation shall, during the period he so continues in occupation after the expiration of his lease, be a tenant of such lands on the terms of his expired lease, but so that after any new lease shall have been sold he shall, subsequent to the expiration of his lease as regards the land included in such new lease, pay the rent reserved by, and otherwise perform the terms of, such new lease, and exonerate the purchaser from such payment and performance, and such occupation shall otherwise be subject to such terms and conditions as may be prescribed by regulation.

111. On the expiration, by effluxion of time, of any existing lease of any pastoral lands in Class 1., or upon the resumption of any lands included in any such lease, the pastoral lessee shall receive payment of the value of all improvements then on the land leased or resumed, as the case may be, and which shall have been made after the fourteenth day of November, one thousand eight hundred and eighty-four. And on the expiration, by effluxion of time, of any
any pastoral lease to be hereafter granted of pastoral lands in Class I., or upon the resumption of any lands included in any such lease, the pastoral lessee shall, subject to the provisions of this Act, receive payment of the value of all substantial water improvements then on the land leased or resumed, as the case may be, and made during the term of the lease; and in cases of resumption shall also be paid compensation in an amount to be fixed by valuation for the loss of or depreciation in the value of his lease, according to whether the whole or part of the lands leased shall be resumed.

(b)—Relating to Class II.

112. The provisions of sections 107, 108, 109, and 110 of this Act shall apply to all pastoral lands in Class II., as well as to all pastoral lands in Class I.; provided that the Commissioner may himself determine the size of the blocks to be offered without the advice of the Pastoral Board.

113. On the expiration, by effluxion of time, of any pastoral lease of pastoral lands in Class II., or upon the resumption of any such lands included in any such lease, the pastoral lessee shall, subject to the provisions of this part of this Act, receive payment of the value of all improvements then on the land leased or resumed, as the case may be, and made during the term of the lease; and in cases of resumption shall also be paid compensation in an amount to be fixed by valuation for the loss of or depreciation in the value of his lease, according to whether the whole or part of the lands leased shall be resumed.

(c)—Relating to Class III.

114. The Commissioner may cause to be offered for sale by auction leases for pastoral purposes of pastoral lands in Class III., and such leases shall be on the following terms as regards term of lease, rent, stocking, and improvements—

1. Term of lease.—Thirty-five years, with right to the lessee to surrender at any time during the first thirty-days after the publication in the Government Gazette of any notice relating to such lease and required by the next subsection:

2. Rent.—The upset annual rent at which any such lease shall be offered shall be Two Shillings and Sixpence per mile per annum, and the annual rent at which such lease shall be purchased shall be payable for the first fourteen years of the term; afterwards, during each successive term of seven years, the annual rent shall be fixed by valuation, of which notice shall be given by the Commissioner by publication in the Government Gazette at some time not less than sixty days immediately preceding the commencement of each such successive term. All rents to be paid annually in advance:

3. Stocking.—The lessee to covenant to stock the land leased before
before the end of the third year of the term, with sheep in the proportion of at least five head, or with cattle in the proportion of at least one head, for every square mile leased, and to keep the same so stocked, and before the end of the seventh year to increase the stocking to at least twenty head of sheep, or four head of cattle per square mile, and to keep the same so stocked during the remainder of the term; and so that the stocking with sheep and cattle combined shall be sufficient if the requisite number are kept, one head of cattle being computed as equal to five head of sheep; and in all cases, upon being required thereunto, to furnish the Commissioner with true particulars of the number of sheep and cattle with which the leased land is stocked:

iv. Improvements.—The expenditure of money on the land leased in improvements thereon, or bona fide and to the satisfaction of the Commissioner for the purpose of improving or increasing the carrying capacity of the land, shall, according to the amount expended, totally or partially discharge the lessee from the covenant with reference to stocking; and expenditure to the amount of Thirty Shillings per mile made before the end of the third year of the term, and to the value of Three Pounds per mile made before the end of the seventh year of the term, shall totally discharge the lessee from the covenant in reference to stocking; and expenditure of a lesser amount made before such times shall proportionately discharge the lessee from such covenant.

115. When any pastoral lessee of lands in Class III. surrenders his lease pursuant to the terms thereof, a lease of the land surrendered shall be offered for sale by public auction, and, if sold, a lease shall be granted to and accepted by the purchaser for the residue of the term from the date of sale, and on the terms of the surrendered lease, so far as applicable to such residuary term, but so that no forfeiture or liability shall be incurred by the purchaser for any default prior to the date of his purchase.

116. Every lease offered for sale pursuant to the last section shall be so offered at a premium of three-fourths of the value, to be fixed by valuation, of all improvements then on the land, and such premium shall be paid in cash by the purchaser to the Commissioner, and by the Commissioner to the surrendering lessee, after deducting thereout any arrears of rent due by the surrendering lessee.

117. If any lease offered for sale pursuant to the last two preceding sections shall not be sold, the Commissioner may from time to time offer the same at auction at a reduced rental, being in the first instance not less than three-fourths of the rental fixed by the last valuation, and, if not sold at such rental, the upset rental may be further
further reduced from time to time to the amount of the minimum upset rental at which lands in Class III. are authorised to be leased, and the premium in respect of improvements shall be reduced proportionately with the rent after the rent shall have been reduced to three-fourths of the last valuation; and such reduced premium shall be paid to and by the Commissioner in manner provided by the last section.

118. The provisions of section 113 shall apply to all pastoral lands in Class III. as well as to all pastoral lands in Class II.

(d)—Resumptions.

119. As regards all pastoral leases granted since the fourteenth day of November, one thousand eight hundred and eighty-four, or which may hereafter be granted, the Governor may, during the currency of any such lease, by Proclamation published in the Government Gazette, determine such lease and resume possession of the lands leased, subject to the following conditions—

1. If such lands shall be required for the purposes of any railway, road, or public work, or as a site for a town or cemetery, one month's written notice of the intention to resume shall first be given to the lessee:

2. If such land shall be required for any other purpose, three years' written notice shall first be given to the lessee.

(e)—Auctions.

120. Leases offered for sale by auction pursuant to this part of this Act shall be offered at an upset annual rent, and at a premium where a premium is provided for by this Act, and the bidding shall be in advance of the upset annual rent, and the first year's rent shall be paid on the fall of the hammer; and all payments made by a pastoral lessee pursuant to section 110 in exoneration of the purchaser of a new lease shall be credited against the rent falling due after the first year under such new lease.

121. No lease shall be offered for sale by auction pursuant to this part of this Act until the expiration of two months after the Commissioner shall have caused notice of such auction to be published in the Government Gazette; nor as regards any pastoral lease under Class I. until the report of the Pastoral Board and the plans showing the area and value of improvements comprised in such lease shall have been laid before both Houses of Parliament for fourteen days.

(f)—Valuation of Rents.

122. In fixing rent by valuation, regard shall be had to the capacity of the land for depasturing stock, its proximity and facilities of approach to railway stations, ports, rivers, and towns, and other circumstances of situation affecting its value, and also, as to Class I. only, to the improvements thereon; but in no case shall a less annual rent be fixed than Two Shillings and Sixpence per square mile.

(g)—Improvements.
(g)—Improvements.

123. No payment or valuation shall be made pursuant to this part of this Act in respect of any improvements, nor shall any improvements be considered pursuant to this part of this Act, unless the Commissioner shall be satisfied that the same were made bonâ fide for the purpose of improving the land or for increasing the carrying capacity thereof, and that the improvements will have such effect, and unless the same shall consist of wells, reservoirs, tanks, or dams of a permanent character, and available for the use of cattle or sheep, and which increase the carrying capacity of the land leased, or of fences, substantial huts, sheds, and buildings erected for residence, shearing, or other purposes usually required for keeping live stock; and in ascertaining the amount to be paid for improvements for fencing, there shall be deducted the amount (if any) previously deducted or retained in respect of such fencing under any of the Crown Lands Acts.

124. No lessee shall be entitled to any payment in respect of any improvements hereafter made unless, before making such improvements, he shall have given written notice to the Commissioner, stating the nature and position and probable cost and date of completion thereof. Provided that, where it shall not be conveniently practicable to give such notice prior to the making of such improvements, the lessee shall nevertheless be entitled to payment for such improvements if such notice shall have been given with all reasonable dispatch.

125. As regards existing leases, the payments in respect of improvements provided for by this part of this Act shall be in addition to any payments to which, under any of the Crown Lands Acts, any lessee is or may become entitled; but no lessee shall be entitled to more than one payment in respect of the same improvement.

126. All payments for improvements to which any lessee shall become entitled under this part of this Act shall be paid within six months after the resumption of the land or the expiration of the lease entitling the lessee to payment, or if the lessee shall continue in possession of the leased land after the expiration of his lease, within six months after he shall have given up possession.

(h)—Compensation for loss of Lease.

127. In computing the compensation to be paid in any case for loss or depreciation in the value of any lease, no increased value given to such lease by reason of any public works executed after the granting of such lease shall be included or taken into account.

128. The amount payable for compensation for loss of or depreciation in the value of any lease shall be paid within six months after the resumption occasioning the loss or depreciation.

(i)—Miscellaneous.
### Part VIII.

#### Vacancies in Pastoral Board may be filled.

129. The Governor may from time to time remove any member of the Pastoral Board appointed under "The Pastoral Crown Lands Amendment, Act, 1884," and fill any vacancies in such Board however occasioned.

#### Duties of Board.

130. The Pastoral Board shall, in such manner as they shall think fit, inquire into and from time to time report to the Commissioner their recommendations as to the size of the blocks of land of which leases should be offered for sale.

#### General terms of leases.

131. Every pastoral lease of pastoral lands which shall hereafter be granted shall be executed in duplicate by the lessee, and shall contain such exceptions, reservations, covenants, terms, and conditions necessary or proper for giving effect to the provisions and purposes of this Act, or not inconsistent therewith, as the Governor may see fit to require.

#### Power to enter leased lands.

132. The Commissioner, or any person authorised by him, may at any time enter upon any pastoral lands for the purpose of surveying or inspecting the same, or making any valuation, or for any other purpose which the Commissioner may deem convenient or desirable for the purpose of giving effect to any of the Crown Lands Acts.

#### Extension of stocking covenant.

133. In any case in which it shall be shown to the satisfaction of the Commissioner that the performance or satisfaction, within the time appointed, of any covenant with reference to stocking contained in any pastoral lease would occasion great hardship to the pastoral lessee, and that the pastoral lessee has *bona fide* endeavoured to perform or satisfy such covenant, the Commissioner may in his discretion extend the period for performing or satisfying such covenant for such period and on such terms and conditions as he may think desirable.

#### Return of extensions.

134. The Commissioner shall cause a return, showing the particulars and grounds of every such extension, to be laid, within one month after granting the same, before both Houses of Parliament, if Parliament be in session, but if not, then within one month after the next meeting of Parliament.

#### Annual leases and commonage licences.

135. It shall be lawful for the Commissioner to grant annual leases of Crown lands included in any hundred, and also commonage licences for the depasturing of cattle or sheep on such Crown lands; and such annual leases and commonage licences shall be granted upon such terms and conditions as may be prescribed by any regulations at any time in force in that behalf: Provided that, whenever any lands included in any pastoral lease shall have been resumed for the purpose of being included in any hundred, the former pastoral lessee of such lands shall have a preferential claim to an annual lease thereof, during such time as the term of years granted by such pastoral lease shall be unexpired; but every annual
annual lease shall be subject to the rights of commonage of owners of land and persons holding land under selector's agreement within such hundred.

136. Every lessee of pastoral lands in Classes I. and II. held under any Act hereby repealed, or in his absence then the overseer or other person having the care and management of such lands, shall, until the termination of the present lease of such lands, make and deliver the like statements or returns of sheep and cattle as are now required by law to be made and delivered, and all persons now liable to make any payments in respect of any cattle or sheep included in any such statement or return shall make the same payments in respect thereof as are now required by law to be paid by them respectively, and all breaches of the duty to make and deliver such returns may be punished, and all such payments may be enforced in the like manner as if this Act had not been passed.

137. Every pastoral lessee of pastoral lands in Class III. shall, from the passing of this Act, and every future pastoral lessee of pastoral lands in Classes I. and II. shall, from the date of his lease, or in the absence of any such lessee, then the overseer or other person having the care and management of such lands, shall, within twenty-one days from the first days of February, April, June, August, October, and December, respectively in each year, fill up and forward to the Commissioner, through the medium of the General Post Office, a statement or return in the form of Schedule N hereto of the number of all sheep and cattle (if any) not being the property of such lessee, which at any time during the previous two months were actually upon or depasturing on the pastoral lands included in his lease; and such return shall also give the names and addresses of the owners and of the persons in charge of such sheep and cattle, so far as the same can be ascertained: And such return shall be made in all cases, notwithstanding that no sheep or cattle were actually upon or depasturing on such lands as aforesaid.

138. In cases where contiguous lands are included in more pastoral leases than one, and are occupied or used together as one run, the statement or return by this part of this Act required may be made in the same manner as if the whole of such lands were included in one lease.

139. Every statement or return under section 137 shall be signed by the lessee, overseer, or other person making the same, and shall be certified by him to be correct in all particulars; and if any such lessee, overseer, or other person shall refuse or neglect to make and deliver any such statement or return, or shall wilfully make, sign, deliver, or forward any false statement or return, or shall make or practise any fraudulent contrivance or device whatever, with intent thereby to conceal or misrepresent the number of sheep or cattle, not belonging to such lessee, actually upon or depasturing on any pastoral lands
lands at the respective dates mentioned in such statement or return, such lessee, overseer, or other person so offending shall, for every such offence, forfeit and pay a sum of not more than Fifty Pounds, or in default of payment may be imprisoned in any gaol in the said province for a period of not more than six months. And it shall be lawful for the Commissioner, or any person acting under his authority, to enter upon any Crown lands, whether leased or not, and count the sheep and cattle not belonging to any lessee or other person directed to make any return as aforesaid, and for such purpose it shall be lawful for any person acting under the authority of the Commissioner to place such sheep or cattle in yards or paddocks for the purpose of counting the same with greater facility.

140. The Commissioner shall forthwith forward a copy of the returns made in pursuance of section 137 of this Act, to the owners (if ascertained) or to the persons in charge of any sheep or cattle therein mentioned, and if such owner shall not be the holder of a pastoral lease, or if the owner cannot be ascertained, the Commissioner may, by writing under his hand, authorise any police trooper, Crown lands ranger, or other person as to him may seem expedient, after showing his authority, to demand from such owner, or the person in charge of such sheep or cattle, a sum equivalent to One Penny for every head of sheep, and Sixpence for every head of cattle included in any such return, and therein stated to belong to such owner or to be in charge of such person: Provided that the number of sheep or cattle respectively in respect to which such sum is claimed, and the brands or other marks by which the same are distinguishable, shall, so far as practicable, be specified in such authority; and such owner or person in charge as aforesaid shall be liable to pay the amount so demanded; and if he shall neglect or refuse for twenty-four hours after such demand, to pay the amount so demanded, such police trooper, Crown lands ranger, or other person as aforesaid, may seize and detain such sheep or cattle, wherever found; and if payment of such amount, together with the cost of seizing, detaining and maintaining such sheep or cattle, is further delayed for the space of five days, such sheep and cattle shall, as soon as convenient thereafter, be sold by private contract or public auction, for the best prices that can reasonably be obtained for the same; and the proceeds shall be applied in payment of all expenses in connection with such seizure and sale, and of the amount mentioned in such authority as due in respect of such sheep or cattle; and the balance (if any) shall be paid over to the owner, or person in charge of such sheep or cattle: Provided that no greater number of such sheep or cattle shall be sold than may be reasonably considered necessary for the purposes aforesaid.

141. The authority in writing, signed by the Commissioner, authorising any police trooper, Crown lands ranger, or other person as aforesaid to make any demand as aforesaid shall be a sufficient authority for seizing and selling any sheep or cattle therein mentioned in case default shall be made by the owner or person in charge
charge in paying the amount demanded as provided by the last preceding clause.

142. The owner or person in charge of any sheep or cattle which shall be on any land included in any pastoral lease without the consent of the pastoral lessee thereof, or the overseer or other person in charge of such land on behalf of such lessee, shall, for every day or part of a day that such sheep or cattle shall be upon such land, be liable to pay to such pastoral lessee, overseer, or other person as aforesaid, the sum of Sixpence for every one hundred sheep, or part of one hundred sheep, and Sixpence for every twenty or part of twenty head of cattle, which may be upon such land as aforesaid; and in default of payment on demand by any person entitled to receive payment as aforesaid it shall be lawful for such pastoral lessee, overseer, or other person as aforesaid, to seize and detain such sheep or cattle, whether the same shall be upon such land or not; and if payment of the amount due, together with payment at the same rate for such period as such sheep or cattle may be so detained, is not made during the space of five days, such sheep or cattle may, as soon as conveniently may be thereafter, be sold by private contract or public auction for the best price that can reasonably be obtained for the same, and the proceeds of such sale shall be applied in payment of all expenses in connection with such seizure and sale, and the amount so due to such pastoral lessee, overseer, or other person as aforesaid, and the balance (if any) shall be paid to the owner or person in charge of such sheep or cattle: Provided that no greater number of such sheep or cattle shall be sold than may be reasonably considered necessary for the payments aforesaid: Provided, also, that nothing herein contained shall be construed to affect or in any way alter the provisions of section 3 of the "Scab Act, 1863."

143. No person whose pastoral lease shall have been forfeited shall again become the lessee, or become the underlessee, assignee of the lease, or occupier of the whole or any part of the land comprised in such forfeited lease; and every dealing or transaction in contravention of this provision shall be absolutely void, and shall render the lease of the lands thereby intended to be affected liable to forfeiture.

PART IX.

LEASES AND LICENCES FOR MINERAL PURPOSES.

(a)—Mineral Leases.

144. Any person may, in manner provided by the regulations for the time being in force, apply to the Commissioner for, and shall be entitled to have granted to him, a mineral lease or leases of any mineral lands, dedicated or reserved lands, or land held under selector's lease, not exceeding in the whole eighty acres in area.

145. Every
145. Every mineral lease shall be for a term not exceeding ninety-nine years from the thirtieth day of June or the thirty-first day of December, as the case may be, nearest to the date of the application, and shall entitle the lessee during the currency thereof to mine upon the leased land for and dispose of for his own benefit all metals and minerals except gold.

146. Any person making application for a mineral lease of any improved lands shall, previous to such lease being granted, pay into the Treasury a sum to be fixed by the Commissioner for the value of the improvements on such lands.

147. The annual rent reserved in every mineral lease shall be One Shilling per acre, and a further sum equal to Sixpence in the pound sterling on the net profits obtained from the occupation and working of all mines and the sale of all metals and minerals which shall be obtained from the land comprised in such lease, and such rent shall be paid half-yearly at the Treasury, in Adelaide, on or before the twenty-eighth day of February and thirty-first day of August in each year under the penalties hereinafter provided.

148. For the purpose of ascertaining the amount of rent so to be paid, the mineral lessee or the person having the management of the leased land shall, within thirty days after the thirtieth day of June and the thirty-first day of December in each year, deliver at the office of the Commissioner a true return in the form of Schedule O hereto, certifying the amount of gross and net profit which shall have resulted from the working of the leased land during the six months immediately preceding such thirtieth day of June and thirty-first day of December respectively, or certifying that there has been no profit realised during such six months. Any such lessee or other person wilfully forwarding any false return shall be liable for each offence to a penalty of not less than Fifty Pounds nor more than Five Hundred Pounds. For the purpose of verifying such return it shall be lawful for any person appointed by the Commissioner at any time to inspect and take extracts from all books of account, vouchers, and documents in any way relating to the leased land, or the metals or minerals obtained therefrom, and any lessee or other person refusing to allow any person so appointed to make such inspection as aforesaid, or preventing such extracts being taken, shall for each offence forfeit and pay a penalty of not less than Twenty Pounds and not more than One Hundred Pounds.

149. Every mineral lease shall contain the following covenants by the lessee, that is to say—

i. That he will pay the rent reserved in such lease as and when such rent shall become due:

ii. That he will not without permission in writing from the Commissioner use the demised land for any other purpose than that of mining and smelting or otherwise winning from
from the soil and rendering marketable any metals or
minerals therein contained:

iii. That he shall expend in every two years during the term a
sum equal to at least Six Pounds for each and every acre
of the land comprised in such lease, in working the mines
on such land, or, at the option of the lessee, that he will,
during nine months in each year during the term, employ
and keep employed in mining upon such land, and in
searching for and raising metals or other minerals thereon,
not less than three men for every eighty acres of the land
demised, and that he will furnish the Commissioner, when-
ever required by him, with satisfactory evidence that such
sum of money has been laid out or such number of men
have been employed as aforesaid:

iv. That he will forward the returns required by, and observe all
the provisions of, this part of this Act:

v. That he will permit the occupier of any adjoining pastoral
lands to have free access at all times, with or without
cattle, horses, sheep, and other live stock, to any surface
or other water on the leased land which shall not have
been provided by artificial means by the mineral lessee,
and to permit such occupier to use and enjoy such water
for the purposes of consumption by cattle, horses, sheep,
and live stock, and generally for his own benefit, use, and
advantage, as he shall think proper:

vi. Such other covenants and conditions as the Commissioneer
shall think fit.

Every lease so granted shall contain a proviso that the same shall
be liable to forfeiture upon breach of any covenant therein con-
tained to be performed by the lessee.

150. Any person who shall be the mineral lessee of any con-
tiguous blocks of land, by virtue of more than one mineral lease,
may give notice in writing to the Commissioner of his desire to sur-
render such leases, and obtain one mineral lease in lieu thereof,
which notice may be in the form or to the effect following, that is
to say—

To the Commissioner of Crown Lands.

Sir—I, of , being the mineral lessee of
those portions of the Crown lands comprised in mineral
leases numbered respectively , do hereby give you
notice that it is my desire to surrender such leases and
obtain one mineral lease under “The Crown Lands Con-
solidation Act, 1886,” in lieu thereof.

Dated the day of , 18

151. Upon receipt of such notice by the Commissioner it shall
be lawful for the Governor to accept a surrender of the land
included
included in the leases mentioned in such notice, and to grant a new
mineral lease of such land to the lessee giving such notice, and
every lease granted under the authority of this section, shall be
upon the same terms and conditions, and similar in all respects to
other mineral leases granted under the authority of this Act; but
no such lease shall include more than eighty acres of land.

152. The Commissioner may, subject to the regulations for the
time being in force on the subject, allow the lessees of contiguous
lands held under mineral lease to amalgamate their leases, or to
surrender the same and obtain one or more mineral leases of the
lands included in the surrendered leases.

153. Every mineral lessee may surrender the mineral leases held
by him on giving three months' notice in writing to the Commissi-
on of his intention so to do.

(b) Mineral Licences.

154. The Commissioner may, on payment of a fee of Twenty
Shillings for each licence, grant licencees to search for metals and
minerals (except gold) upon any specific mineral lands not
exceeding eighty acres in extent. Every such mineral licence shall
be in force for the period of twelve months from the date thereof,
and shall, subject to any regulations for the time being in force,
authorise the person therein named, and his assigns, licencees, serv-
ants, and workmen, during the currency of the licence, to search
and mine the land described therein, and to remove and carry away
from such land for sample and analysis only, any metals and min-
erals (except gold), not exceeding one ton, and the holder of such
licence shall have a preferential right, during the currency of his
licence, to a mineral lease of the land described in such licence:
Provided always that no person shall hold more than eighty acres
at any one time under such licences.

155. The Commissioner may also, on payment of a fee of Twenty
Shillings for each licence, grant licencees to search for metals and
minerals (except gold) upon any mineral lands. Every such
mineral licence shall be in force for the period of twelve months from
the date thereof, and shall, subject to any regulations for the time
being in force, authorise the person therein named, and his assigns,
licencees, servants, and workmen, during the currency of the licence,
to search and mine any mineral lands, and to remove and carry
away from any such lands, for sample and analysis only, any metals
and minerals (except gold), not exceeding one ton, and the holder
of any such licence shall have a preferential right during the
currency of his licence to a mineral lease or leases of any mineral
lands (not exceeding eighty acres in the whole), upon which he shall
have discovered any metals or minerals.

156. The holder of any mineral licence may, with the previous
consent in writing of the Commissioner, remove from any mineral
lands
lands to be specified in such consent, any minerals and metals (except gold) for sample and analysis only, not exceeding in the whole twenty tons.

PART X.
LEASES AND LICENCES FOR MISCELLANEOUS PURPOSES.

157. Leases may be granted for any term not exceeding twenty-one years, at such rent and upon such terms and conditions as the Governor may think fit, of any aboriginal reserves, in blocks not exceeding one hundred square miles. Every such lease shall be subject to a right of renewal so long as it can be shown to the satisfaction of the Governor that the lands therein described are required for, and applied to the use of, the aboriginal inhabitants of the province.

158. Leases may be granted to any bonâ fide discoverer of any coal, guano, petroleum, or other valuable substance or deposit, (not being a metal or metalliferous ore) of any portion of the Crown lands, not exceeding six hundred and forty acres, on which such discovery shall have been made; and such lease shall be granted on such terms and conditions, and at such rent, as the Governor may think fit. A copy of every such lease shall be laid before both Houses of Parliament within one month from the date thereof, or if Parliament be not then in Session, within one month after the next meeting of Parliament.

159. Leases may be granted of any reserves proclaimed under any of the Crown Lands Acts, or of any Government buildings not required for Government purposes, or of any Crown lands, for any term not exceeding twenty-one years from the date thereof, at such rent and upon such terms and conditions as the Governor may think fit, for any of the following purposes, that is to say—

i. For obtaining and removing therefrom guano or other manure:

ii. For obtaining and removing therefrom stone and clay, or other earth:

iii. For sites of inns, stores, smithies, bakeries, or other buildings which the Governor may approve, in thinly-populated districts:

iv. For sites of bathing-houses, bathing-places, mail stations, toll or punt houses:

v. For sites of tanneries, factories, sawmills, or paper-mills:

vi. For sites of wharves, quays, jetties, or landing-places, and for sites for the depositing of materials or produce:

vii. For the working of mineral springs:

viii. For...
PART X.

viii. For sites for ship or boat building, or repairing:

ix. For the manufacture of salt:

x. For sites for smelting works, or any other works approved by the Governor:

xi. For any purposes for which licences may be granted under this part of this Act:

xii. For any other purpose approved by the Governor.

160. Every such lease shall be offered for sale by auction to the highest bidder, at such times and places, and at such upset price, as shall be prescribed by notice, signed by the Commissioner, and published in the Government Gazette not less than four consecutive weeks before the day of holding such auction: Provided that lands that may have been offered by auction under this clause may be leased at any time thereafter at the upset rental fixed by the Commissioner, and if there should be more than one applicant for the same block decision to be by lot.

161. Every lease granted under this part of this Act shall be subject to such covenants and conditions as to the payment of such rent or royalty (not being less than the rent offered by the highest bidder at such auction, as in the last clause mentioned), as the Governor may think fit to impose; and shall contain a covenant by the lessee to use the demised land bonâ fide for the purpose for which it shall have been demised, and not to use it for any other than such purpose; and shall also contain a proviso for forfeiture upon breach of any covenant contained in the lease.

162. The Commissioner, or any person authorised by him in that behalf, may grant licences to enter upon any Crown lands or dedicated or reserved lands, to be described in such licences and to occupy the same for any of the following objects or purposes, that is to say—

i. To cut, dig, and take away any live or dead timber, gravel, stone, limestone, salt, guano, manure, shell, seaweed, sand, loam, and clay, or other earth:

ii. For fishermen's residences and drying grounds:

iii. For manufactories, fellmongering establishments, slaughter-houses, brick or lime kilns, or sawmills:

iv. For depasturing the same with sheep, cattle, or other animals:

v. For any of the purposes for which leases may be granted under this part of this Act:

vi. For any other purpose approved by the Commissioner.

163. Every licence issued under this part of this Act shall bear the
the date on which it was issued, and shall continue in force for a period not exceeding one year from such date, and shall be subject to the payment of such fee, and to such restrictions, limitations, and conditions, as the Commissioner shall think fit to impose.

164. Notwithstanding anything hereinbefore contained, the Commissioner may, by notice in the Government Gazette, declare that no person, even although he be duly licensed or otherwise authorised, shall cut, dig, or remove live or dead timber, or particular description of timber, or bark, stone, gravel, sand, loam, clay, or other earth from such portions of the Crown lands or dedicated or reserved lands as may be described in such notice, or shall exercise on any such lands the powers or any of them conferred by any such licence granted under the authority of any of the Crown Lands Acts; and if, after the publication of such notice as aforesaid, any licencee or person otherwise authorised shall commit any act in contravention of such notice, such licence or other authority shall be void.

PART X.

LEASES OF SMALL BLOCKS FOR WORKING MEN.

165. The Commissioner may cause any Crown lands, and lands reserved for the use and benefit of the aboriginal inhabitants of the province, or as travelling-stock reserves, to be surveyed, in blocks of not exceeding twenty acres in area, and may cause leases of such lands to be offered for sale at an upset annual rental of not less than Sixpence per acre. Every such lease shall in the first place be offered for sale by auction, but should any such lease not be sold at auction when offered, the Commissioner may at any time thereafter sell the same by private contract, and any lease heretofore granted of such lands by private contract shall be valid.

166. No person, except one who gains his livelihood by his own labor, and who has attained the full age of eighteen years, shall be entitled to any such lease, nor shall any person hold a lease of more than twenty acres of land under the provisions of this part of this Act.

167. The highest bidder at any auction under this part of this Act, or the person who shall first contract for the purchase of any unsold lease previously offered for sale at such auction, shall be entitled to a lease as hereinafter provided, and shall, on being declared or on being accepted as the purchaser, pay his first year's rent, and shall also satisfy the Commissioner that he gains his livelihood by his own labor, and is of the full age of eighteen years.

168. Every such lease shall be for the term of twenty-one years, commencing from the first day of January, the first day of April, the first day of July, or the first day of October, as the case may be, next succeeding the date of the sale.

169. Every
169. Every such lessee shall have the right to a new lease of the lands demised to him for a further term of twenty-one years, on the expiration of the term of the first lease, at such rent as shall be fixed by the Commissioner: Provided that he shall give the Commissioner six months' previous notice, in writing, of his desire to have such new lease, which notice shall expire during the currency of the then existing lease.

170. The lessee under any such original lease shall have a right of purchase of the lands therein comprised exercisable at and not before the expiration of the term of the lease, and the lessee under any such renewed lease shall have a similar right of purchase, at any time during the term of the renewed lease at a price to be fixed by valuation of the land, exclusive of any improvements made thereon by the lessee. The lessee of any working men's block heretofore leased under the provisions of Act No. 363 of 1885 shall have the same right of purchase as if the lease of such block had been granted to him under this part of this Act.

171. The rent payable under every such lease shall be payable annually in advance; and every such lease shall bind the lessee to personally reside on such land for nine months at the least in every year of the term, and shall contain a covenant by the lessee not to transfer, assign, sublet, or part with the possession of any of the demised land without the consent of the Commissioner, and such other terms and conditions as the Commissioner shall see fit to require. On the expiry of any lease, or if the same be renewed, of the renewal thereof, any improvements made on the said land during the lease or renewal by the tenant shall be offered for sale for cash in the same manner, and at the same time as the new lease of the said land, and any money paid by the purchaser of such lease in respect of such improvements shall be paid by the Commissioner to the outgoing tenant or his representatives or assigns.

172. On the lessee making default for the period of twenty-one days in the payment of the rent reserved by such lease, or making default in the observance or performance of the condition or covenant for personal residence contained in the lease, the lease shall be absolutely void, and the land thereby demised shall, with all improvements thereon, revert to the Crown and become Crown lands: Provided that the Commissioner may, if he think fit, waive such forfeiture, and impose any other penalty in lieu thereof.

173. Personal residence by the wife or family of any such lessee on the demised land shall be considered personal residence by the lessee.

174. Should any person who shall have become entitled to any such lease neglect to execute the same within twelve months after the date of the sale, his right to a lease, and all moneys paid by him, shall be absolutely forfeited to the Crown.

175. No
175. No lessee, under this part of this Act, shall be entitled to impound any cattle or sheep trespassing on any land comprised in his lease, unless such land shall be enclosed with a fence at least four feet in height and sufficiently substantial and close to ordinarily resist the trespass of cattle and sheep.

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**PART XII.**

**FRAUDS AT AUCTIONS.**

176. Every agreement, whether in writing or otherwise, whereby any person shall promise or agree, either directly or indirectly, to give or allow any sum of money, reward, benefit, or thing to any other person, in consideration of such other person not bidding at any auction under this Act, or of his not competing at any such auction, or in consideration of his bidding to a limited amount only, or of his withdrawing from competition at any such auction, or in consideration of his doing any other act or thing which in any way might tend to prevent free and open competition at any such auction, shall be wholly illegal and void.

177. Any agreement by any person to pay more than the sum of Sixpence per acre to any other person for bidding or acting for such first-mentioned person at any such auction sale shall be absolutely illegal and void.

178. Every person who shall directly or indirectly take or receive any sum of money, bill, note, reward, premium, or thing whatsoever in pursuance of any agreement herebefore declared to be void, or in consideration or payment of any negotiation, arrangement, or act on his part which would be illegal if agreed to be done, shall forfeit such sum of money, bill, note, reward, premium, or thing, and such sum of money, or the value of such bill, note, reward, premium, or thing, or an amount equal to the full value of the consideration paid, shall be recoverable by whosoever shall sue for the same within twelve months from the time when the same was received.

179. Whenever any person shall offer or propose to any intending purchaser or lessee not being the principal for whom he is lawfully acting at any such auction, to bid in any particular manner, or not to bid, or not to bid except in some particular manner, or to bid to a certain limited extent only, or to bid for certain lands or leases only, in consideration of such intending purchaser or lessee bidding or not bidding for any land or lease to be offered for sale at such auction, or shall offer or propose to enter into any agreement which would be illegal under any of the provisions of this Act, such person shall forfeit the full value of the lands or of the lease which formed the subject of such offer, proposal, or illegal agreement, or a sum of One Hundred Pounds, whichever shall be highest in amount; and the amount so forfeited may
PART XII.

Punishment for offering to make agreement under threats.

180. Whenever any person shall offer or propose to any intending purchaser or lessee at any such auction to enter into any agreement which would be illegal and void under this part of this Act, or shall offer or propose to make any agreement or arrangement for making which any forfeiture or penalty is provided under this part of this Act, or shall make any such offer or proposal as mentioned in the last preceding section, under, by means of, or accompanied with any threats or representations respecting the future biddings, purchases, competition, or respecting any particular course of proceeding of such person at any such auction, he shall forfeit twice the full value of the lands or lease which formed the subject of such offer, proposal, or illegal agreement, or a sum of Two Hundred Pounds, whichever shall be highest in amount; and the amount so forfeited may be sued for and recovered by whosoever shall sue for the same within twelve months from the time of the offer or proposal.

181. In any action or proceeding under this part of this Act, all parties to any agreement, and all persons making or receiving any offer or proposal, with or without threats, as hereinbefore described, shall be obliged and compellable to give evidence upon all matters touching or relating to such agreement, offer, or proposal; but no information or prosecution shall be preferred or maintained against any person for conspiracy in connection with or in consequence of any such agreement, offer, or proposal, if such person, being summoned as a witness, shall answer all questions that may be asked of him in relation to such agreement, offer, or proposal; nor shall any such person be convicted, by any evidence whatever, of conspiracy, in respect of any act done by him in contravention of this Act, if he, at any time previous to any information being laid against him for such offence, shall have fully disclosed such act on oath, under the compulsory process of any Court, in any action or proceeding instituted under this part of this Act.

PART XIII.

MISCELLANEOUS PROVISIONS.

182. It shall be lawful for the Governor, upon and in accordance with an address from the Legislative Council and House of Assembly, by Proclamation in the Government Gazette, to appoint any place in the said province a Land Office for the purchase of land upon credit and the conduct of sales under this Act; and the Governor may, upon the like addresses, declare that any such place so appointed shall cease to be a Land Office.

183. The Commissioner may cause any auctions under this Act to be held at such times and places as he shall think fit, and may appoint any persons to preside at and regulate such auctions: Pro-
vided that no such auction shall be held until the time and place thereof, and what lands will be offered thereat, shall have been notified with all practicable certainty by notice in the Government Gazette for the time and in manner provided for the purpose by this Act, and where no time is expressly fixed by this Act, for not less than one nor more than three months before the day for holding such auction.

184. Any person authorised by the Commissioner may conduct sales by auction under this Act without having an auctioneer's licence, or incurring on that account any penalty.

185. The Commissioner may at any time withdraw from sale on credit or otherwise, or from being offered on lease, any Crown lands, either temporarily or permanently, and any Crown lands so withdrawn shall not again be offered for sale upon credit or otherwise, or on lease, respectively, until they shall have been re-advertised for one month in the Government Gazette as open for sale upon credit or otherwise, or upon lease, as the case may be: Provided that the period of time during which such lands shall be so withdrawn shall not be reckoned in any computation of time which may affect the period at which such lands may be dealt with.

186. The Commissioner, notwithstanding anything herein contained, may decline to accede to any application for the purchase upon credit or otherwise of any land known or supposed to contain gold, silver, copper, or any other mineral, or which it may be deemed desirable to reserve for public purposes.

187. The care, control, and management of all lands reserved or dedicated by the Governor for or to any public purpose shall, in the interim between the reservation or dedication of such lands, and until the same shall be granted in fee, be vested in the Commissioner, and such lands shall, during such interim, be deemed to be Crown lands: Provided that nothing herein contained shall affect any lands the care, control, and management of which shall have been or shall hereafter be placed in a Municipal Corporation or District Council.

188. All lands under the surface of any street, road, highway, or reserve, now or hereafter dedicated to or reserved for any public purpose, and the fee-simple whereof shall not have been alienated from the Crown, shall, for the purpose of mining, as well for gold and silver as for other metals and minerals, and for the purposes of all Acts relating to mining, be deemed to be mineral lands, and may be dealt with accordingly, subject to any regulations for the time being in force for protecting the public user of such land in terms of the dedication or reservation, and for providing for protection to persons and property, and for securing to any person who, for the time being, shall have the right of mining on any property intersected by or abutting on any such lands, not being
being a reserve, a preferential right of mining in respect of the lands intersecting or abutting on such property.

189. The Commissioner may give permission to any person to erect gates on any road or way vested in Her Majesty, and not being a main road nor within the limits of any District Council, and may let the right of depasturing on such road or way. Any person injuring or destroying any such gate or opening; and not closing the same, shall for each and every such offence be liable to a fine of not more than Fifty Pounds, or to imprisonment, with or without hard labor, for any period not exceeding six months.

190. From and after the coming into operation of this Act the provisions of the "Fencing Act, 1865," shall apply to all land under agreement and to all land leased under any of the Crown Lands Acts (except lands which are or shall be held under miscellaneous lease for other than grazing or cultivation purposes): And in the application of the said "Fencing Act, 1865," the word "fence" therein shall mean any fence ordinarily sufficient or capable to resist the trespass of cattle or sheep.

191. Every valuation of improvements under Parts II., III., and XI., and as to rental under Part VIII. of this Act shall be made by some person to be appointed by the Governor, and the amount thereof shall be subject to approval by the Governor.

192. All other valuations under this Act shall be determined, in case of dispute by two arbitrators, of whom one shall be nominated by the Commissioner, and the other by the person or persons entitled to compensation or payment, or in case of the arbitrators not being able to agree, by an umpire to be appointed by them before entering upon the consideration of the amount of compensation or payment: Provided that in case either of the parties entitled to nominate an arbitrator as aforesaid shall neglect to name an arbitrator for the space of seven days next after a notice in writing so to do shall have been given him by the other party, or shall name an arbitrator who shall refuse to act, then the arbitrator named by the other party may make a final decision alone.

193. The Commissioner or any person authorised by him may, for the purpose of searching for water, enter upon any land included in any lease granted under any of the Crown Lands Acts, and may sink wells, construct dams, reservoirs, and embankments, and do such other acts as may be necessary or expedient to search for and conserve water. The Governor may, in any case where water shall be found or conserved by the Commissioner or any such person, forthwith resume possession of any well or other place wherein or whereon water shall have been found or conserved, and also of not more than one square mile of land contiguous thereto, included in any lease or leases, without prejudice to any other right or power of resumption, and compensation on the resumption by this clause provided
The Crown Lands Consolidation Act.—1886.

provided for shall be payable to the lessee as hereinbefore provided, except in respect of waters found or conserved by the Commissioner.

194. The Governor may demise any land so resumed, either by private contract to any previous lessee or other person, or may offer the lease thereof for sale by public auction. Every such lease shall contain covenants on the part of the lessee to pay all rents and taxes which may become payable in respect of the demised premises during the currency of the lease; to maintain in good and tenantable condition and repair all buildings, wells, dams, reservoirs, embankments, erections, ditches, and watercourses upon the demised land; to erect, to the approval of the Commissioner, and maintain upon the said land during the currency of the lease, a house of public accommodation, and therein afford accommodation to the public; and if he shall obtain a licence in respect of the said house under any laws for the time being relating to licensed victuallers, keep and conduct the licensed premises in a proper and orderly manner, so as to afford no just or reasonable cause for withholding or withdrawing the licence, and from time to time, without intermission, to renew and keep such licence in force; to construct appliances for watering stock either by shallow sinking, deep seated sinking with surface appliances, or surface reservoirs; and whenever thereunto reasonably required, to supply all cattle, sheep, and other stock with water; and every such lease shall contain such other covenants by the lessee, and be upon such other terms and conditions as the Governor may think fit to impose.

195. Every lessee under the last preceding section shall be entitled to make such charges for water supplied to travelling cattle and sheep and to the public as may from time to time be authorised by the Commissioner, and may cultivate not more than two hundred acres of the land included in his lease for the purpose of supplying food to travelling cattle and sheep, but not otherwise for the purpose of sale or barter.

196. The Commissioner may do all acts necessary for reclaiming swamp lands, and any acts heretofore done or caused to be done by him for that purpose are hereby declared to be as valid as if done under the authority of this Act. In all cases where swamp lands have been or shall be reclaimed the Commissioner may, where practicable, construct public watering places on the reclaimed land available for cattle and sheep.

197. The rent reserved in any lease granted under the authority of any of the Crown Lands Acts may be levied or recovered by or under the authority of the Commissioner, in like manner as any rent or fine is or shall be leviable or recoverable by law in cases where Her Majesty's subjects only are concerned; and in case such rent shall be levied by distress, an order under the hand of the Commissioner shall be a sufficient warrant and authority to distrain, any law or enactment to the contrary notwithstanding.

198. If
PART XIII.
Penalties on non-payment of rent.

138. If the rent or any other sum payable under any lease granted under the authority of any of the Crown Lands Acts is not paid on or before the day appointed for payment thereof, a penalty of five per cent. shall be added to such rent; and if the said rent or sum be not paid within one month after such day, together with such penalty, a further penalty of ten per cent. shall be added; and if the said rent and such penalties be not paid within one month after such first month, the same shall be recoverable by the Commissioner by action in his own name in any Court of competent jurisdiction.

199. In every case where the rent of any lands heretofore or hereafter held under lease under any of the Crown Lands Acts shall be unpaid and in arrear for more than three months after the day on which the rent is payable under such lease, and in every case where the Commissioner shall be satisfied that there has been a breach of any of the covenants or conditions contained in or implied by any such lease, or that any such lease is liable to forfeiture, it shall be lawful for the Governor to cancel such lease, and the Commissioner may thereupon insert a notice in the Government Gazette declaring such lease to be forfeited; and every such notice shall be taken to be conclusive evidence that the lease therein mentioned was legally cancelled and forfeited, and the land included therein may be dealt with in all respects as if such lease had never been granted: Provided that no new lease of the land included in a lease so forfeited shall be granted before the new lease has been offered for sale to the highest bidder at public auction.

200. It shall be lawful for any person authorised thereunto, in writing under the hand of the Commissioner, to take possession on behalf of the Crown of all Crown lands which have reverted or shall revert to the Crown, and of all Crown lands of which the leases or licences shall have expired, determined, or been declared forfeited, and of all Crown lands, messuages or tenements of which any person shall be in unauthorised possession or occupation, and forcibly to eject every person in possession or occupation of such Crown lands, messuages, or tenements.

201. Any person who shall unlawfully occupy any Crown lands, either by residing or by erecting any building or hut thereon, or by clearing, enclosing, or cultivating any part, or who shall knowingly make any false statement with regard to commonage in hundreds, 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 less than Ten Pounds nor more than Twenty Pounds; for the third or any subsequent offence, a sum not less than Twenty Pounds nor more than Fifty 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.

202. Whenever
202. Whenever in any of the Crown Lands Acts, or any of the Acts thereby repealed, or by any lease, agreement, or other instrument made pursuant to any of such Acts, a time is fixed for the payment of any purchase-money of land sold for cash or upon credit, or for the payment of any rent or interest, or for the giving of any notice, or taking a lease in exchange for a surrendered agreement, to the Commissioner, such Act or instrument shall be construed as if the Commissioner were vested with the power, in all cases where he considers it just and equitable to do so, of authorising the receipt of such purchase-money, rent, or interest, or the giving of any such notice, or to grant a lease in exchange for a surrendered agreement after the time appointed upon such terms as to the payment of any penalty or otherwise as the Commissioner may think fit to impose; and the payment of any such moneys, or the giving of any such notice, shall entitle the person paying or giving the same to the same rights as if such moneys had been paid, or notice given in due time; and any action heretofore taken in that behalf is hereby declared to have been valid.

203. Whenever any agricultural lands shall have reverted to the Crown by reason of surrender (otherwise than by surrender under section 30 of "The Crown Lands Consolidation Act," hereby repealed, or under section 28 of this Act), the selector who shall have surrendered his agreement for the purchase of such land shall be entitled to be paid the amount which the Crown may thereafter be paid for the improvements made by him on such land, or for interest on the value of such improvements.

204. Whenever any lands subject to any pastoral lease or selector's lease, or grazing and cultivation lease shall be demised under a mineral lease, or any lands subject to a pastoral lease shall be demised under a lease for any of the miscellaneous purposes in this Act mentioned, the term of years in the lease of such lands of the pastoral lessee or selector, or grazing and cultivation lessee shall at once cease and determine, and every such pastoral lease and selector's lease, and grazing and cultivation lease shall thereafter be read and construed as if the land so demised for other purposes had been expressly excepted thereout.

205. Any portion, not exceeding two acres, of the land comprised in any lease granted under any of the Crown Lands Acts may, with the consent of the lessee, at any time, and from time to time, be granted to any corporation or to trustees, at a price to be agreed upon, as a site for a school, church, chapel, or hospital, or for any other public or charitable purpose, and from and after such grant the land included therein shall be excepted from the operation of such lease.

206. Any lessee of any Crown lands under Act No. 26 of 1870-71, or any Act repealing or amending the same, may obtain a mineral lease under this Act of the land comprised therein.
PART XIII.

207. It shall be lawful for any lessee under any of the Crown Lands Acts to surrender his lease of such lands at any time during the currency thereof, and the Governor is hereby authorised to accept such surrender in the name and on behalf of Her Majesty; and such surrender shall be in such form, and shall be made and executed subject to such regulations, as may for the time being be in force in that behalf.

208. When any lease shall have been so surrendered, it shall be lawful for the Governor, in the name and on behalf of Her Majesty, to grant a lease or leases of the land comprised in such surrendered lease to such person or persons as shall be nominated in that behalf by the lessee surrendering such lease; and every such new lease shall be granted for the unexpired portion of the term of, and for the same purposes as, such lease so surrendered, and otherwise shall be upon and subject to the same terms, conditions, and regulations.

209. Any selector holding a selection on the condition of personal residence under agreement dated on or before the seventeenth day of November, one thousand eight hundred and eighty-two, and any selector holding a selection on the condition of substituted residence under agreement dated on or before the fourteenth day of November, one thousand eight hundred and eighty-four, who shall in all respects have complied with the terms of such agreement to the satisfaction of the Commissioner, may, in manner provided by regulation, at any time surrender such agreement in exchange for a new agreement for the purchase of the same land under this Act.

210. Any scrub lessee holding a scrub lease without the condition of personal residence, who shall in all respects have complied with the terms of such scrub lease, to the satisfaction of the Commissioner, may, in manner provided by regulation, at any time surrender such scrub lease in exchange for a new scrub lease of the same land under this Act, on the condition of personal residence.

211. The executors or administrators of any selector or lessee of Crown lands with a right of purchase may, with the consent of the Commissioner, mortgage the selected or leased land, for the purpose of completing the purchase from the Crown of such land.

212. It shall be lawful for the Commissioner to charge any person for anything done under or in pursuance of this Act such reasonable fees as may be fixed by regulations.

213. Should the plan heretofore or hereafter attached to any lease of Crown lands be incorrect or defective, it shall be lawful for the Commissioner, at the expense of the lessee, to prepare a plan corrected according to the latest surveys, and to attach such corrected plan to such lease; and any plan so attached and signed by the Commissioner shall form part of such lease, and the description of the parcels in such lease shall be taken to refer to such corrected plan.

214. All
214. All unbranded wild cattle above the age of twelve months which shall at any time be running or feeding on any Crown 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, Her heirs or successors; and it shall be lawful for the Commissioner to cause the same to be sold and disposed of by public auction, or by tender, so that the object, time, and place of such auction, or the time up to which such tender is to be made, shall be notified in the Government Gazette at least one month next preceding the time of or for such auction or 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, or such further term as the Commissioner may in writing allow, with necessary and proper assistance, to take possession of such cattle, and for that purpose to enter upon the Crown lands where the same may be running or feeding.

215. Declarations under this Act may be made and declared before the Commissioner, the Surveyor-General, Justices of the Peace, Notaries Public, or Commissioners for taking affidavits in the Supreme Court, or such other persons as the Governor may appoint for that purpose; and if any person willfully make any false statement in any declaration made in pursuance of this Act, he shall be guilty of a misdemeanor, and be punishable as if guilty of wilful and corrupt perjury.

216. Every land order issued under the provisio of “The Immigration Act, 1872,” shall be as available to its full nominal value for any payment to be made under any lease of scrub land held under the condition of personal residence as it now is for the purchase of Crown lands.

217. The Governor may, from time to time, make regulations for any of the purposes mentioned in or authorised by this Act, and for providing for all proceedings, valuations, grants, leases, licences, mortgages, discharges, and other instruments; and for the construction and preservation of boundary fences, and fencing of roads or tracks over any of the lands demised under any of the Crown Lands Acts, and the erection of gates or other means of entrance to or exit from such lands; for the destruction of vermin; for the execution of all other matters and things arising under and consistent with this Act, and not herein expressly provided for; and for fixing fees, and otherwise fully and effectually carrying out and giving face and effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof; and may by such regulations impose penalties not exceeding for any one offence Twenty Pounds for any breach, or evasion, or violation thereof; and may from time to time alter, rescind, vary, and amend such regulations or any of them, and make other regulations in lieu thereof for more fully and effectually carrying out and giving effect to this Act.

218. Every
PART XIII.
Regulations to be laid before Parliament.

PART XIV.

LEGAL PROCEDURE, TRESPASSES, AND PENALTIES.

218. Every regulation made by the Governor under the authority of this Act shall, when published in the Government Gazette, have the force of law; but every such regulation shall be laid before Parliament within fourteen days after the publication thereof, if Parliament be then sitting, and if Parliament be not then sitting within fourteen days from its next sitting for the dispatch of business.

219. The Commissioner may appoint a sufficient number of persons to be Crown lands rangers, and every such Crown lands ranger shall, during his continuance in office, do, on behalf of Her Majesty, and on behalf of the Commissioner, in respect of any Crown lands, all acts for preventing intrusion, encroachment, and trespass on such lands, and for taking possession of any Crown lands in case of forfeiture, and for such other purposes as the Commissioner may direct.

220. It shall be lawful for every Crown lands ranger, appointed as aforesaid, to give any notice, make any claim or demand, and make, or depute or authorise any other person to make, any entry 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 any Crown lands ranger, and every such entry which shall be made by any such Crown lands ranger, or any person so deputed or authorised 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.

221. If any cattle or sheep shall be found unlawfully trespassing upon any Crown lands, or lands reserved for or dedicated to the public use, it shall be lawful for any Crown lands ranger, or any person authorised by him, or for any person authorised by the Commissioner in that behalf, either generally or in that particular case, to impound the cattle or sheep so trespassing to be dealt with according to law. And all pigs trespassing on any Crown lands or reserved or dedicated lands, may be destroyed by any Crown lands ranger, or by any person authorised by any Crown lands ranger, without compensation to the owner.

222. It shall be lawful for any Crown lands ranger, by virtue of his office, and for any other person authorised in that behalf in writing by the Commissioner, to lay an information against the owner or person in charge of any cattle or sheep found upon any Crown lands or reserved lands and not bona fide travelling either to the station of the owner or to market, or which, being bona fide travelling,
travelling, shall not travel at least a distance of five miles a day in a direct line. And every such owner or person in charge shall be liable to a penalty of Two Shillings per head for every head of cattle, and One Pound for every hundred sheep or part of every hundred sheep, so found upon any such lands; and upon the hearing of every such information the onus of proving that such cattle or sheep were so bonâ fide travelling shall be upon the owner or person in charge of such cattle or sheep, but every such owner or person in charge shall be competent to give evidence upon the hearing of any such information.

223. Whosoever shall depasture any cattle or sheep, goats or pigs, upon any Crown lands without having obtained a valid licence or other lawful authority in that behalf, or shall depasture on any Crown lands a greater number of cattle or sheep than shall be authorised by such licence or authority, shall forfeit and pay, on conviction, the following penalties, that is to say—for the first offence, a sum not exceeding Five Pounds; for the second offence, a sum not less than Five Pounds nor more than Ten Pounds; and for the third and any subsequent offence, a sum not less than Twenty Pounds nor more than One Hundred Pounds; and, in addition thereto, for each offence, the sum of Threepence per head for every head of sheep, goats, or pigs, and One Shilling and Sixpence for every head of cattle, so unlawfully depastured.

224. Any person who shall injure, fell, bark, or destroy any tree or sapling growing on any Crown lands, or lands leased or reserved under any of the Crown Lands Acts, or shall cut, saw, remove, or sell any timber lying or being on any such 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 such lands, without a valid licence or other lawful authority in that behalf; shall, on conviction for any such offence, forfeit and pay, in addition to the value of the tree, sapling, timber, metal, or other material, a penalty of not less than Two Pounds nor more than Five Pounds, or be imprisoned with hard labor for any period not exceeding two months; and it shall be lawful for any Crown lands ranger, or any person authorised by him, or for any police constable to apprehend any person found committing any offence against this section, and forthwith to take such person before any neighboring Justice of the Peace to be dealt with according to law.

225. Whosoever shall wilfully deface, injure, destroy, or, without the leave of the Surveyor-General, or some person authorised to grant such leave, remove any survey-picket or other landmark, placed, erected, or being on Crown lands, shall, on conviction for every such offence, forfeit and pay a penalty of not less than Ten Pounds and not more than Fifty Pounds.

226. Whosoever

PART XIV.

Obstruction of roads and ways.

226. Whosoever shall, by casting or placing timber, stones, rubbish or materials, or by any other means, except by gates approved by the Commissioner, wilfully stop, obstruct, or injure any public or reserved road or way vested in Her Majesty, and not being a main road nor within the limits of any District Council, so as to prevent, hinder, or interrupt the free passage of any carriage, or of Her Majesty's subjects, on any such road or way, 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 any Crown lands ranger, or any person whom he may by writing under his hand appoint in that behalf, 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.

Forgery and uttering a felony.

227. Whosoever shall forge, counterfeit, or alter, or shall utter, or make use of, knowing the same to be forged, counterfeited, or altered, any lease, grant, proclamation, agreement, licence, or other document, purporting to be a grant, proclamation, agreement, lease, or licence, or other document authorised to be made, issued, or granted under this Act, or any authority from Her Majesty, or the Governor, or the Commissioner, or any person acting on behalf of Her Majesty, to occupy or relating to any Crown lands in the said province, shall be guilty of a felony, and, being convicted thereof, shall be liable to be imprisoned with hard labor for any term not exceeding eight years, at the discretion of the Court.

Recovery of penalties.

228. All proceedings under this Act may be had and taken, and all penalties, fines, forfeitures, and sums of money incurred or imposed or payable under this Act, may be sued for and recovered at the suit of the Commissioner or any Crown lands ranger, or such other officer as the Commissioner from time to time may in that behalf appoint.

Onus probandi.

229. In any action, suit, or proceeding under this Act, the averment that any lands are Crown lands, or that any person is a Crown lands ranger, or other person authorised to take any proceedings, or perform any duty, or sue for the recovery of any penalties under this Act, shall be sufficient without proof of such fact, unless the defendant prove the contrary; and if any question shall arise whether the defendant was authorised to do the act complained of, the proof thereof shall lie upon such defendant; and all licences, certificates, maps, plans, and office copies, purporting to be certified as true under the hand of the Surveyor-General of the province, or of any officer of his department, shall, in all matters relating to such action, suit, or proceeding, be sufficient evidence without production of original records, and without the personal attendance of such officers, or proof of their signatures.

Summary procedure.

230. All proceedings for the recovery of any pecuniary penalty by
by this Act imposed for any omissions, defaults, acts, or offences shall be had and taken, and may be heard and determined in a summary way, by any Special Magistrate or two Justices of the Peace of the said province, under the provisions of Act No. 6 of 1850, or of any other Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders may be enforced as in such Act is or shall be provided; and the Special Magistrate or Justices of the Peace may also, in case any penalty is imposed, order the defendant, in default of payment thereof, to be imprisoned, with or without hard labor, for any period not exceeding six months.

231. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order dismissing any information or complaint, which appeal shall be to the Local Court of Full Jurisdiction nearest to the place where such conviction or order was made, or to the Local Court of Adelaide of Full Jurisdiction; and the proceedings on such appeal shall be conducted in manner provided for appeals to Local Courts by the said Act, No. 6 of 1850, or any Act for the time being in force regulating such appeals; and the Local Court hearing such appeal may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

232. The Local Court, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court shall make such order as to the cost of any special case as to the said Court shall appear just; and the Local Court shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof, which order of the said Local Court shall be enforced in manner provided for the enforcement of orders of Justices under the said Act, No. 6 of 1850, or under any other Act relating to the duties of Justices of the Peace.

233. All moneys received for penalties imposed for offences against this Act shall be paid to the Treasurer on behalf of Her Majesty, Her heirs and successors, for the public uses of the said province and in support of the Government thereof.

234. It shall be lawful for the Treasurer to pay, or cause to be paid, out of the Public Treasury of the province, the costs or charges of any suit or action which shall or may be brought by or against any Justice of the Peace, Crown Lands Ranger, constable, or other person acting under the authority and in the execution of this Act.

235. All actions for anything done under this Act shall be commenced within six months after the cause of action shall have arisen.
PART XIV.  

arisen, and not afterwards; and notice in writing of such action, and the cause thereof, shall be given to the defendant one 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.

Saving of rights.

236. Nothing contained in this Act shall deprive any person of any rights to which he may be entitled at the time of the passing of this Act.

Act not to apply to Northern Territory.

237. This Act shall not apply to the Northern Territory.

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

WM. C. F. ROBINSON, Governor.
SCHEDULES REFERRED TO.

SCHEDULE A.

Acts Repealed.

<table>
<thead>
<tr>
<th>Reference to Acts</th>
<th>Title of Act</th>
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<tbody>
<tr>
<td>No. 86 of 1877</td>
<td>Crown Lands Consolidation Act.</td>
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<td>No. 88 of 1877</td>
<td>An Act for declaring that all Grants in Fee-simple of Land in the Province</td>
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<td>of South Australia heretofore made, or hereafter to be made, shall be</td>
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<td>construed to include all Minerals and Metals, including Gold and Silver</td>
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<td>on or under such lands.</td>
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<tr>
<td>No. 89 of 1878</td>
<td>An Act to amend the Twelfth Clause of the Crown Lands Consolidation Act.</td>
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<tr>
<td>No. 123 of 1878</td>
<td>The Crown Lands Act, 1878.</td>
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<td>No. 123 of 1878</td>
<td>The Crown Lands Amendment Act, 1879.</td>
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<tr>
<td>No. 318 of 1884</td>
<td>The Agricultural Crown Lands Amendment Act, 1884.</td>
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<td>No. 321 of 1884</td>
<td>The Pastoral Crown Lands Amendment Act, 1884.</td>
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<tr>
<td>No. 365 of 1885</td>
<td>The Crown Lands Amendment Act, 1885.</td>
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SCHEDULE B.

Lands Reserved for Leasing.

All Crown lands within the following boundaries:—Commencing at the north-west corner of the hundred of Benara; thence east along the north boundary of said hundred to its north-east corner; thence north along the west boundaries of the hundreds of Young, Grey, Monbulla, and Killanoola to the south-west corner of the hundred of Robertson; thence westerly to the south-east corner of the hundred of Joyce, and north-north-westerly to its north-eastern corner; thence north along the western boundaries of the hundreds of Lochaber, Glen Roy, and Parsons to the north-west corner of the latter hundred; thence westerly along the north boundary of county MacDonnell to its north-west corner; thence in a southerly, south-westerly, and south-easterly direction, following the sea-coast to the point of commencement. Excepting such of the said Crown lands as shall for the time being be subject to the provisions of Act 34 of 1885.

SCHEDULE C.

Grazing and Cultivation Lands.

1. Lands within hundreds existing on the date of the passing of this Act, and not specially reserved for leasing under Act No. 318 of 1884.
2. Lands for which notice of resumption has been served within an average of twenty miles of the east boundaries of the hundreds of King, Rees, Tomkinson, Ketchowla, Hardy, Nackara, and Paratoo; within twenty miles of the east boundary of the hundred of Waroonee; within ten miles of the north boundaries of the hundreds of Waroonee, Minburra, and part of Yalpara; within eleven and one-half miles of the west boundary of the hundred of Woolyana; within nine miles of the west boundary of the hundred of Barndioota; within nine miles of the north boundary of the hundred of Forrest; and lands lying to the east of the hundred of Forrest for an average width of ten miles and extending northwards from the north boundary of the hundred of Rounsevell to the County boundary of Robinson.
3. Lands seven miles on each side of the line of railway from the Murray Bridge to the east boundary of the province.
SCHEDULE D.

Declaration to be made by Selectors in case of Substituted Residence.

Sec. 14, subsec. viii.

I, of , in the Province of South Australia, do hereby declare my intention to actually and bond fide cultivate the section , in the hundred of , county of this day purchased by me upon credit, and that I make the said purchase solely and entirely for my own use and benefit: And I do hereby solemnly and sincerely declare that no other person is interested with me, either directly or indirectly, in the purchase of such land, or any part thereof, or interest therein: And I make this solemn declaration conscientiously believing the same to be true.

A. B.

Declared at , in the Province of South Australia, this day of 18 , before me.

C. D.

[To be written or printed at the foot of every declaration]—Note.—If any of the statements contained in the above declaration are untrue, the person making the same will be liable to the penalties of wilful and corrupt perjury.

SCHEDULE E.

Form of Agreement for Sale and Purchase on Credit.

No.

Memorandum of agreement made the day of 188 between the Commissioner of Crown Lands and Immigration of the Province of South Australia (hereinafter called the vendor) of the one part, and of (hereinafter called the purchaser) of the other part, whereby it is agreed between the parties hereto that the vendor shall sell, and the purchaser shall purchase, all that piece of land, being section No. situate in the hundred of county of and containing acres or thereabouts, in fee-simple, at the price of to be paid in manner hereinafter provided.

It is also agreed by the said parties as follows, that is to say—

1. The purchaser shall and will take possession of the said land within three months from the date hereof, and shall and will, during the first year of the currency of this agreement, reside on the said land (or, in cases of substituted residence, keep a male substitute over eighteen years of age residing on the said land) for three months at the least. After the first year the purchaser shall continue to reside (or, in cases of substituted residence, keep a male substitute over eighteen years of age continually residing) on the said land during nine months out of every twelve months thereafter, until the payment of the last instalment of the purchase-money.

2. The purchaser shall and will make substantial improvements upon the said land before the end of the second year, to the extent of Five Shillings per acre; before the end of the third year, to the extent of Seven Shillings and Sixpence per acre; and before the end of the fourth year, to the extent of Ten Shillings per acre; such improvements to consist of all or any of the following, that is to say—Erecting a dwelling-house or farm buildings, sinking wells, constructing water-tanks or reservoirs, putting up fencing, draining, and clearing and grubbing the said land.

3. No fence shall be deemed to be a fence within the meaning of this agreement unless the same shall be a wire fence, or constructed of posts and rails or wires, or of stone, or other substantial material, and ordinarily capable of resisting the trespass of great cattle.

4. Any person authorised by the vendor may, at all reasonable times, enter upon the said land to view the same and any improvements made thereon.

5. The purchaser shall and will plough, dig, or trench, and have under cultivation during the first year, at least one-tenth of such land; and during each and every subsequent year, until the whole of the purchase-money has been paid, at least one-fifth of such land with hemp, flax, peas, lucerne, root crops, cereals, or wattle; or with cereals and wattles: Provided that if the purchaser shall be desirous of engaging in the cultivation of osiers, olives, mulberries, vines, apples, pears, oranges, figs, almonds, potatoes, onions, beetroot, mangold-wurtzel, hops, apricots, peaches, walnuts, sweet chestnuts, filberts, or cobnuts, or such other plants as the Governor in Council may at any time define by Proclamation in the Government Gazette, the planting and cultivating in a husbandlike manner of one acre of land with any of the above trees or plants shall, for all purposes of this agreement, be deemed
The Crown Lands Consolidation Act.—1886.

deemed to be equivalent to the cultivation of six acres of such land as hereinbefore defined: Provided that such cultivation be bona fide continued and kept up to the satisfaction of the Commissioner until full payment of the purchase-money, but not otherwise.

6. The purchaser shall and will send in to the vendor true returns, as provided by "The Crown Lands Consolidation Act, 1886."

7. All improvements, ploughing, and cultivation made by the purchaser shall be subject to the valuation or inspection, as the case may be, of such officer as the vendor may appoint for that purpose, whose valuation shall be conclusive and binding on the parties hereto.

8. The vendor acknowledges to have received from the purchaser the sum of £ 10 being Ten Pounds per centum of the purchase-money. The purchaser shall on the day of 18 pay a further sum of £ and shall and will pay the balance of the purchase-money by sixteen equal yearly instalments of £ in every year, the first of which will become due on the day of 18. Should any instalment of purchase-money remain unpaid, in whole or in part, for the space of thirty days after the same shall have become due, the purchaser shall pay interest upon the whole amount of such instalment, computed at the rate of Five Pounds per centum per annum. On non-payment of such instalment and interest, or either of them, for the period of two years, it shall be lawful for the vendor, by notice in the Government Gazette, to declare this agreement to be forfeited.

9. The purchaser may, at any time after the expiration of the first ten years from the date of this agreement, and before the time hereinbefore appointed for payment of the last instalment of purchase-money, pay off the whole or any part of the balance of purchase-money then remaining unpaid, and shall therein be entitled to a grant of the land purchased.

10. The purchaser shall and will not at any time, until he has paid the whole of his purchase-money, assign, transfer, or make over the said lands, or his rights under this agreement, unless and until he has obtained the consent of the vendor for that purpose. The vendor will not consent to any transfer unless he is satisfied that all the conditions of this agreement have been complied with, and that the land included in this agreement was taken up bona fide for the use and benefit of the purchaser and not with the intention of evading the conditions of this agreement, and that the purchaser is unable to occupy such land from illness, physical incapacity, or necessary absence from the province, or unless it be satisfactory shown that continued occupation would inflict a personal hardship upon, or be the occasion of great loss to, the purchaser, and it is discretionary with the vendor in all cases to grant or withhold his consent.

11. This agreement is made subject to the provisions of "The Crown Lands Consolidation Act, 1886," and of any regulations for the time being in force 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.

12. Upon breach of any of the foregoing conditions, or upon a publication of a notice in the Government Gazette that the Commissioner has revoked this agreement, or if the purchaser shall do any act declared by "The Crown Lands Consolidation Act, 1886," to be a fraud thereunder, or shall make default in payment of any of the several sums, or any part thereof, payable under this agreement for the space of two years after the same shall be payable, then, and in either of such cases, the purchaser shall forfeit all moneys paid and all benefit under this agreement, and shall deliver up to the vendor, or whomsoever he may appoint, the said lands and all improvements thereon; and this agreement shall become void, and the purchaser may be dealt with under "The Crown Lands Consolidation Act, 1886," as a person in unauthorized occupation of such lands.

In witness whereof the said parties hereto have hereunto set their hands the day and year first before mentioned.

Vendor.

Witness to the Signature of the Vendor—

Purchaser.

Witness to the Signature of the Purchaser—

SCHEDULE F.

Annual Return.

Return rendered in conformity with "The Crown Lands Consolidation Act, 1886," Section 30, showing the Nature, Extent, and Value of all Improvements and Cultivation made during the year ending 18 , and length of residence, upon Land purchased on Credit.

Name of purchaser.

Hundred or Areas in which the Land is situated.

Nos. of Sections.

Nature
The Crown Lands Consolidation Act.—1886.

<table>
<thead>
<tr>
<th>Nature and Extent of Improvements</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUILDINGS.</strong></td>
<td>£</td>
</tr>
<tr>
<td>State whether dwellings or farm</td>
<td>s.</td>
</tr>
<tr>
<td>buildings, and give the</td>
<td>d.</td>
</tr>
<tr>
<td>dimensions of the buildings, and</td>
<td></td>
</tr>
<tr>
<td>materials of which they are</td>
<td></td>
</tr>
<tr>
<td>constructed.</td>
<td></td>
</tr>
<tr>
<td><strong>FENCES.</strong></td>
<td></td>
</tr>
<tr>
<td>State the kind of fence put up,</td>
<td></td>
</tr>
<tr>
<td>and the length.</td>
<td></td>
</tr>
<tr>
<td><strong>WELLS, TANKS, OR RESERVOIRS.</strong></td>
<td></td>
</tr>
<tr>
<td>Give description and measure-</td>
<td></td>
</tr>
<tr>
<td>ment.</td>
<td></td>
</tr>
<tr>
<td><strong>DRAINING, CLEARING, OR GRUBBING.</strong></td>
<td></td>
</tr>
<tr>
<td>Give description of timber and</td>
<td></td>
</tr>
<tr>
<td>area cleared.</td>
<td></td>
</tr>
</tbody>
</table>

Total ........................................... |

| Quantity of land under cultivation: |
| Nature of such cultivation:        |
| Length of time that the selector has personally resided on the land during the year: |

**If the selector is not personally residing on the land**—

The Christian and surname of the person who has been residing thereon:

The time he has so resided.

I, the undersigned, being the purchaser upon credit, of the sections above described, hereby declare that the above is a true and correct statement according to the best of my knowledge and belief.

Declared at this day of 18 , before mc.

Signature.

---

**SCHEDULE G.**

**Hundreds or Parts of Hundreds in which Selectors' Leases may be granted of Five Thousand Acres.**

<table>
<thead>
<tr>
<th>Anna</th>
<th>Crozier</th>
<th>Lake Wangary</th>
<th>Pirie</th>
<th>Waroonee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkaba</td>
<td>Cudlamudia</td>
<td>Lindley</td>
<td>Playford</td>
<td>Warr</td>
</tr>
<tr>
<td>Baldina</td>
<td>Davenport</td>
<td>Mangalo</td>
<td>Rees</td>
<td>Way</td>
</tr>
<tr>
<td>Barnidicoota</td>
<td>Eba</td>
<td>Mann</td>
<td>Ridley</td>
<td>Willocha</td>
</tr>
<tr>
<td>Bendleby</td>
<td>Erskine</td>
<td>McCallum</td>
<td>Ripon</td>
<td>Willowie</td>
</tr>
<tr>
<td>Black Rock Plain</td>
<td>Eurelia</td>
<td>Miltie</td>
<td>Rounsevell</td>
<td>Winninow</td>
</tr>
<tr>
<td>Boolcunda</td>
<td>Eurilpa</td>
<td>Minbie</td>
<td>Schomburgk</td>
<td>Wirreanda</td>
</tr>
<tr>
<td>Boothby</td>
<td>Fisher</td>
<td>Minburra</td>
<td>Skurray</td>
<td>Wongyaar</td>
</tr>
<tr>
<td>Bower</td>
<td>Forrest</td>
<td>Mongolata</td>
<td>Sleaford</td>
<td>Wonna</td>
</tr>
<tr>
<td>Bright</td>
<td>Forster</td>
<td>Mookra</td>
<td>Stokes</td>
<td>Wonka</td>
</tr>
<tr>
<td>Brownlow</td>
<td>Gumbowie</td>
<td>Morgan</td>
<td>Talia</td>
<td>Woolundunga</td>
</tr>
<tr>
<td>Bundey</td>
<td>Hardy</td>
<td>Naddhe</td>
<td>Terowie</td>
<td>Wooliana</td>
</tr>
<tr>
<td>Carr</td>
<td>Hawker</td>
<td>Nildottie</td>
<td>Tinline</td>
<td>Wrenfordsley</td>
</tr>
<tr>
<td>Carribie</td>
<td>Hay</td>
<td>Oladdie</td>
<td>Tomkinson</td>
<td>Wyacca</td>
</tr>
<tr>
<td>Cavenagh</td>
<td>Homburg</td>
<td>Palmer</td>
<td>Uley</td>
<td>Yadnarie</td>
</tr>
<tr>
<td>Coglin</td>
<td>Kanyaka</td>
<td>Para'oo</td>
<td>Ulica</td>
<td>Yalpara</td>
</tr>
<tr>
<td>Colton</td>
<td>Ketchowla</td>
<td>Pararoo</td>
<td>Uroonda</td>
<td>Yanyarrie</td>
</tr>
<tr>
<td>Coonooroo</td>
<td>Kiana</td>
<td>Pearce</td>
<td>Walloway</td>
<td>Yarrah</td>
</tr>
<tr>
<td>Coonarie</td>
<td>King</td>
<td>Pichi Richi</td>
<td>Wanilla</td>
<td>Yednalue</td>
</tr>
<tr>
<td>Coonatto</td>
<td>Krichauf</td>
<td>Pinda</td>
<td>Ward</td>
<td></td>
</tr>
</tbody>
</table>

**SCHEDULE**
The Crown Lands Consolidation Act.—1886.

SCHEDULE H.

No. 1.

Form of Certificate on Sale by Auction of Credit Agreement.

To the Commissioner of Crown Lands—

I, the undersigned, [fill in name], being the (Official Receiver of the Court of Insolvency, or, the Clerk of the Local Court of Insolvency at , or, the trustee appointed at the instance of the creditors in the matter of [name of selector], an insolvent, or, the trustee of the deed whereby [name of selector] assigns his estate for the benefit of his creditors, or, the mortgagee under the mortgage by [name of selector], dated day of 18 ), do hereby certify that, on the day of 18 , the interest of the said [name of selector], under agreement No. , was offered for sale by public auction by [name of auctioneer], at [place of sale], and that at such sale [name, address, and description of purchaser], became the purchaser of the interest of the said [name of selector] in the land held under the said agreement, and that notice of such sale was advertise in [names of newspapers] on [dates of insertions of advertisements].

Dated this day of , 18 .

[Signature.]

No. 2.

Form of Certificate on Sale by Private Contract of Credit Agreement.

To the Commissioner of Crown Lands—

I, the undersigned, [fill in name], being the (Official Receiver of the Court of Insolvency, or, the Clerk of the Local Court of Insolvency at , or, the trustee appointed at the instance of the creditors in the matter of [name of selector], an insolvent, or, the trustee of the deed whereby [name of selector] assigns his estate for the benefit of his creditors, or, the mortgagee under the mortgage by [name of selector], dated day of 18 ), do hereby certify that, on the day of 18 , the interest of the said [name of selector], under agreement No. , was offered for sale by public auction by [name of auctioneer] at [place of attempted sale], and that no sale was then effected; that notice of such attempted sale was advertised in [names of newspapers] on [dates of insertions of advertisement], and that, on the day of 18 , I effected a sale of such interest by private contract to [name, address, and description of purchaser].

Dated the day of , 18 .

[Signature.]

SCHEDULE I.

Information for Examination of Selector or Scrub Lessee or Lessee under Grazing and Cultivation Lease.

"The Crown Lands Consolidation Act, 1886."

South [Royal Arms] Australia

(to wit).

Be it remembered that, on this day of , in the year of our Lord one thousand eight hundred and in the said province, of , in the said province, , who is hereunto authorised by the Commissioner of Crown Lands and Immigration, personally came before me , Esquire, one of Her Majesty's Justices of the Peace in and for the said province, and gave me to understand and be informed that , of , in the said province is the holder of section , in the hundred of in the said province, under an agreement (or under a lease) dated the day of , 18 , and that it is expedient that the said should be summoned to be examined touching and concerning the said land and the compliance with or the breach or violation by the said of the provisions of "The Crown Lands Consolidation Act, 1886," or any Act thereby repealed, and the terms and conditions of the said agreement (or lease), and the said prayeth that the said may be summoned to be examined accordingly.

Taken before me at the day and year first above written. J.P.

SCHEDULE
SCHEDULE J.

Summons to Selector or Scrub Lessee, or Lessee under Grazing and Cultivation Lease.

"The Crown Lands Consolidation Act, 1886."

Section 92.

To

Whereas information hath this day been laid before the undersigned, one of Her Majesty’s Justices of the Peace in and for the Province of South Australia, that you are the holder of section , in the hundred of , in the said province, under an agreement (or under a lease) dated the day of , 18 , and that it is expedient that you should be summoned to be examined touching and concerning the said land and the compliance with or the breach or violation by you of the provisions of “The Crown Lands Consolidation Act, 1886,” or any Act thereby repealed, and the terms and conditions of the said agreement (or lease): These are therefore to command you in Her Majesty’s name that, laying aside all and singular business and excuses, you be and appear on , the day of , 18 , at o’clock in the noon, at , before such Justice of the Peace or Special Magistrate as may then be there, and continue in attendance until discharged, to be examined touching and concerning the several matters and things referred in the said information, and also have you then and there and all agreements, leases, deeds, documents, books, and other writings in your possession, custody, or control relating to the several matters and things aforesaid.

Given under my hand and seal this day of , in the year of our Lord 18 , at , in the province aforesaid.

J.P. (r.s.)

SCHEDULE K.

Summons to Witness.

"The Crown Lands Consolidation Act, 1886."

Section 93.

Between complainant, and defendant.

To

Whereas information has been laid before me, the undersigned (or ), one of Her Majesty’s Justices of the Peace in and for the said province, that the above-named defendant is the holder of section , in the hundred of , in the said province, under an agreement (or under a lease) dated the day of , 18 , and that it is expedient that the said defendant should be summoned to be examined, touching and concerning the said land and the compliance with or the breach or violation by him of the provisions of “The Crown Lands Consolidation Act, 1886,” or any Act thereby repealed, and the terms and conditions of the said agreement (or lease): And whereas it hath been suggested to me that you are likely to give material evidence on behalf of the on this behalf: These are therefore to command you and each of you in Her Majesty’s name that, laying aside all and singular business and excuses, you be and appear on , the day of , 18 , at o’clock in the noon, at , before such Justice of the Peace or Special Magistrate as may then be there, and so on from day to day until discharged, to testify all and singular those things which you or either of you know concerning the matter of the said information on the part of the [(if so) and also have you then and there and all agreements, leases, deeds, documents, books, and other writings relating to the several matters and things aforesaid].

Given under my hand this day of , A.D. 18 J.P.
The Crown Lands Consolidation Act.—1886.

SCHEDULE L.

Notice of Intention to Revoke Agreements, Selectors' Leases, Scrub Leases, and Grazing and Cultivation Leases.

To each of the several selectors and scrub lessees, and grazing and cultivation lessees, whose names, addresses, and occupations, and the description of whose respective selections and selectors' agreements, selectors' leases, scrub leases, and grazing and cultivation leases are set forth in the first, second, and third columns of the schedule hereto:

Take notice that I, the Commissioner of Crown Lands for the Province of South Australia, am satisfied that the selector's agreement, selector's lease, scrub lease, or grazing and cultivation lease held by you, and specified in the said schedule, is liable to be revoked, and the selections and lands under lease held by you, described in the said schedule, and all other selections and lands under lease held by you, are liable to be resumed, by reason of your having committed the act, or having been guilty of the fraud, or having violated or failed to perform the conditions contained or implied in your agreement or lease, specified opposite your name in the fourth column of the schedule hereto: And further take notice that you are at liberty, at any time before the expiration of one month from the publication of this notice in the Government Gazette, to furnish me with any documentary evidence (as to which the burden of proof is upon you) that you have not committed the act, or have not been guilty of the fraud, or have not violated or failed to perform the condition of your agreement or lease above referred to and specified in the said schedule: And also take notice that, if you furnish no such evidence, or if the evidence furnished by you fails to prove to my satisfaction that you have not committed such act, or been guilty of such fraud, or violated or failed to perform the above-mentioned condition contained or implied in your agreement or lease, it will be lawful for me, and it is my intention, to revoke all selectors' agreements and leases held by you, and to resume the lands therein described, after the expiration of one month from the publication hereof in the Government Gazette.

Dated this day of , 18 .

, Commissioner of Crown Lands.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Occupation</th>
<th>Description of Selection or Lands held under Lease</th>
<th>Reference to Agreement or Lease</th>
<th>Date</th>
<th>Nature of Cause of Forfeiture</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Jones</td>
<td>Kapunda</td>
<td>Farmer</td>
<td>Section 1, hundred of Byron</td>
<td>Nov. 9, 1881</td>
<td>1500</td>
<td>Holding the selection as servant of Samuel Smith</td>
</tr>
<tr>
<td>Michael Morris</td>
<td>Millicent</td>
<td>Unknown</td>
<td>Sections 2 and 3, hundred of Blanche</td>
<td>Mar. 20, 1884</td>
<td>970</td>
<td>Entering into an agreement with J. Fry to acquire part of the selection</td>
</tr>
<tr>
<td>Peter Penn</td>
<td>Unknown</td>
<td>Laborer</td>
<td>Section 4, hundred of Homburg, and sections 5 and 6, hundred of Playford</td>
<td>Jan. 28, 1885 and Oct. 18, 1877</td>
<td>2500</td>
<td>Holding more than the maximum area of land under agreement</td>
</tr>
<tr>
<td>Ralph Roe</td>
<td>Hen. of Boolero</td>
<td>Farmer</td>
<td>Section 7, hundred of Boolero</td>
<td>Not dated</td>
<td>2865</td>
<td>Failing to reside on the selection for nine months in every year after the first year</td>
</tr>
</tbody>
</table>

[For notice of intended forfeiture of selectors' leases, scrub leases, and grazing and cultivation leases alter form accordingly.]
The Crown Lands Consolidation Act.—1886.

SCHEDULE M.

Notice of Revocation and Resumption.

To each of the several selectors, scrub lessees, and grazing and cultivation lessees whose names and addresses are set forth in the schedule hereto:

Take notice that the agreements and leases, mentioned in the schedule hereto, were on the day of 18, duly and lawfully revoked by me, and the lands therein mentioned resumed, pursuant to the powers vested in me by "The Crown Lands Consolidation Act, 1886," and of all other powers me thereunto enabling.

Dated this day of 18, Commissioner of Crown Lands.

<table>
<thead>
<tr>
<th>Name of Selector or Lessee</th>
<th>Address</th>
<th>Occupation</th>
<th>Description of Land</th>
<th>Date of Agreement or Lease</th>
<th>Number of Agreement or Lease</th>
</tr>
</thead>
</table>

SCHEDULE N.

A Return of all Sheep and Cattle which, on the first day of 18,
were travelling over the Crown Lands included in Leases Nos.

<table>
<thead>
<tr>
<th>Number of Sheep and Cattle travelling</th>
<th>Name of Owner (if known)</th>
<th>Name of Person in Charge</th>
<th>From whence travelling (if known)</th>
<th>Destination (if known)</th>
</tr>
</thead>
</table>

Sheep ........................................

Cattle ......................................

I, of , in the Province of South Australia, the lessee [or overseer, or manager for A. B., the lessee, as the case may be] of the Crown lands included in Leases No. , do hereby certify and declare that, to the best of my knowledge and belief, the above is a true and correct return in all particulars of the total number of sheep and cattle, not being my property [if return made by overseer, say not being the property of the said ]

which, on the first day of BEED946X 18, were actually upon, travelling over, or depasturing on the lands comprised in such lease; and [if so] I further declare that the lands comprised in the leases above referred to are contiguous.

Signed this day of 18, by me, A. B.

Witness—

SCHEDULE O.

Form of Return under Mineral Lease.

To the Commissioner of Crown Lands.

Sir—I, of , being the lessee (or the person having the management) of those portions of the Crown lands comprised in mineral lease (or leases) numbered (it to respectively), do hereby certify that £ is the true and correct amount of (or that there has been no) realised profit from the said lands for the six months ending .

Dated the day of 18

Witness—

Adelaide: By authority, E. SPILLER, Government Printer, North-terrace.