ANNO QUINQUAGESIMO PRIMO ET QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1888.

No. 444.


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An

[Assented to, December 8th, 1888.]

WHEREAS it is expedient to repeal "The Crown Lands Consolidation Act, 1886," and "The Crown Lands Amendment Act, 1887," and to make other provisions in lieu thereof—

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 Act, 1888."

2. This Act shall be divided into ten parts relating to the following subject-matters:

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

   PART II.—Leases with Right of Purchase and Perpetual Leases, sections 10 to 44:

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4. Such
The Crown Lands Act.—1888.

4. Such repeal, except where otherwise expressly provided by this Act, shall not affect—

1. Any agreement, lease, or licence heretofore granted under any of the Crown Lands Acts:

2. Any estate, right, title, interest, power, duty, obligation, liability, or onus probandi, created or imposed by, or acquired or excisable under, any of the Crown Lands Acts, in respect of any such agreement, lease, or licence:

3. Anything lawfully done, or commenced or agreed or authorised to be done, under any of the Crown Lands Acts, in respect of, or under, or in relation to, any such agreement, lease, or licence:

4. Any divisions, exchanges, proclamations, reservations, dedications, regulations, grants, appointments, payments, surveys, mortgages, surrenders, extensions, disabilities, valuations, acts, proceedings, matters, and things lawfully made, had, done, created, authorised, or made valid by, under, or in pursuance of any of the Crown Lands Acts:

All which agreements, leases, licences, estates, rights, titles, interests, powers, duties, and other matters and things specified in the foregoing subdivisions of this section are hereby preserved and continued and declared to 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, 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, false declaration, unlawful act, breach, or other matter or thing under or against any of the Crown Lands Acts, 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 Acts shall continue to be payable for the like matters done under this Act: And wherever, in any Act, any reference is made to any of the Crown Lands Acts, such reference shall be read and construed as if this Act had been included in such reference.

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

"Block
The Crown Lands Act.—1888.

**Part I.**

**Block of land.**

"Block" or "block of land" shall include two or more pieces of land contiguous to each other, or separated from each other only by a road or roads:

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

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

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

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

ii. Lands lawfully granted, or contracted to be granted, in fee-simple by or on behalf of the Crown:

iii. Lands subject to any lease or licence lawfully granted by or on behalf of the Crown:

And shall include all lands which, having been granted or held under agreement or lease, shall have been or shall be surrendered, or having been reserved, or dedicated, shall have been or shall be lawfully resumed by Proclamation; and all lands which, having been lawfully held by any person for any estate or interest, shall have been or shall be lawfully forfeited or resumed, or which by any means whatsoever shall have reverted or shall revert to the Crown:

**Crown Lands Acts.**

"Crown Lands Acts" shall mean and include this Act and all or any of the Acts repealed by "The Crown Lands Consolidation Act, 1886," and by this Act:

**Dedicated lands.**

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

**Lessee.**

"Lessee" shall include as well the original lessee of land held under lease from the Crown as the assignee or transferee of such lease, and the devisee or personal representatives of any such lessee, assignee, or transferee:

**Mineral lands.**

"Mineral lands" shall include all Crown lands, and also all other lands belonging to or vested in the Crown, which shall be proclaimed as mineral lands, notwithstanding that the same may be subject to a contract for, or lease with a right of, purchase, but shall not include any lands which shall be subject to any then existing mineral lease or licence granted under any of the Crown Lands Acts:

**Mineral lease.**

"Mineral lease" shall mean any lease granted under any of the Crown Lands Acts for the purpose of mining for any minerals or metals other than gold:

"Mineral
"Mineral licence" shall mean any licence granted under any of the Crown Lands Acts authorising the holder thereof to search for metals and minerals other than gold:

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

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

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

"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:

"Regulations" shall mean the regulations for the time being in force under this Act:

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

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

"Special block of land" shall mean any single section of Crown lands which shall be surrounded by lands sold or contracted to be sold under any of the Crown Lands Acts, and shall have been withdrawn from sale or lease, and also any section or block of land belonging to or vested in the Crown (not exceeding one hundred acres in area) which may be required for the establishment of any industry, trade, or business, or for any other purpose 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 which, in the opinion of the Commissioner, are liable to be wholly or partially flooded by overflow of a river or otherwise:

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

"Vermin" shall mean and include wallabies and all other marsupials (except kangaroos and rock wallabies), dingoes (or native dogs), dogs run wild, dogs at large, foxes, rabbits, hares, and any other animals which the Governor shall, by Proclamation, declare to be vermin for the purposes of this Act.
### Part I.

**Governor's powers.**

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<th>Section</th>
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<tr>
<td>May alienate Crown lands.</td>
<td>(a) In the name and on behalf of the Crown grant, lease, or otherwise alienate any Crown lands:</td>
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| May exchange, &c., lands for public purposes. | (b) For the public use or benefit—
  1. Exchange any Crown lands for any other lands in the province:  
  11. Accept the surrender of or resume any lands granted after dedication for any public purpose:  
  111. Authorise the exchange of any lands granted after dedication for other lands so granted: |
| May lease lands to aborigines. | (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: |
| May dedicate lands for public purposes. | (d) By Proclamation dedicate any Crown lands for any of the following purposes:—
  1. For the preservation of water supply:  
  11. 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:  
  111. For quays, wharves, or landing places:  
  111. For public reservoirs, aqueducts, or watercourses:  
  v. For hospitals, asylums, or cemeteries:  
  vi. For market places or abattoirs:  
  vii. For institutions for public instruction or amusement:  
  viii. For public buildings and schools, not being intended for ecclesiastical or denominational purposes:  
  ix. For park lands or places for the recreation and amusement of the inhabitants of any city, town, or place:  
  x. For any purpose of public safety, convenience, health, or enjoyment:  
  x1. For any other public purpose that he may think fit: |
| May cancel dedications. | (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: |

And may at any time after dedication grant the fee-simple of such 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 lands, resume the same wholly or in part, by Proclamation—

(f) By
(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 lands;
5. For travelling stock reserves;
6. For places for the recreation or amusement of the public;
7. For tramways, railways, or railway stations;
8. For park lands;
9. For any other purpose that he may think fit:

And may by Proclamation resume the whole or any portion of the 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, hundreds, and towns, and distinguish each by a name:
2. Declare that any county, hundred, or town shall cease to exist as such:
3. Extend or diminish the area of any county, hundred, or town:
4. Alter the boundaries or name of any county, hundred, or town:
5. Add the area taken away from one county or hundred to any 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 set apart any Crown lands as town lands or suburban lands:

(i) Proclaim any Crown lands or lands belonging to or vested in the Crown to be mineral lands.

7. All grants, leases, and other alienations, and all reservations and dedications under this Act shall be made in such form as the Governor shall think fit.

8. Any
PART I.

Lands granted after dedication may be exchanged.

Grant of land to reserve gold, silver, and other metals, &c.

PART II.

LEASES WITH RIGHT OF PURCHASE AND PERPETUAL LEASES.

10. No Crown lands shall be leased under this part of this Act unless such lands shall have been previously surveyed or the boundaries thereof shall have been delineated in the public maps.

11. All Crown lands (except town lands) situate within hundreds and Schedule D to this Act may be taken up on lease with a right of purchase or perpetual lease, as hereinafter provided.

12. The Governor may by Proclamation from time to time divide the province into land districts. Every such Proclamation shall define the boundaries of and give a distinguishing name to each district.

13. It shall be lawful for the Governor from time to time to appoint a Land Board for each district. Each Board shall consist of five members, three of whom shall be residents of the district for which they are appointed, but shall not be Civil servants. The Board shall hold office for twelve months from the date of appointment, but retiring members shall be eligible for re-appointment.

14. Three members of the Board shall form a quorum, and shall have and may exercise all the powers and authorities vested in the Board.

15. Each
15. Each Land Board shall from time to time, subject to the approval of the Commissioner, classify the Crown lands, except town lands, situate in hundreds within its district, and decide upon the area which shall be included in each separate block, and the area which may be held by any one lessee according to the class of land, and fix the price and annual rent at which each block may be taken up on lease with a right of purchase, and the annual rent at which such block may be taken up on perpetual lease.

16. The Commissioner may at any time thereafter, by notice in the Government Gazette specifying the land and the payments to be made for the same, from time to time, declare that any such lands may, on and after a date to be named in such notice (not being less than thirty days after the publication of such notice), be taken up on lease with a right of purchase or perpetual lease.

17. Applications for any such lease may be made to the Commissioner, in writing, giving the names, addresses, and occupations of the applicants, and specifying the land and the kind of lease applied for, and every applicant shall forward with his application twenty per cent. of the first year’s rent, as notified in the Government Gazette.

18. All applications for or including the same land received up to and on the date from which any lands are so open for leasing shall be considered and dealt with as simultaneous applications, and after such date all applications received on one and the same day for any land not before applied for shall be so considered and dealt with.

19. All applications shall, within one month after date of their receipt, be referred by the Commissioner to the Land Board for the district in which the land applied for shall be situate unless the land be withdrawn from sale.

20. The Land Board shall meet whenever summoned by the Commissioner, and shall consider the applications referred, and may require the personal attendance of and examine applicants and their witnesses and all objectors and their witnesses, and may decide such applications, and determine to which applicant any land applied for shall be leased, or may reject any application, or may subdivide, or alter the boundaries of any block in cases where there shall be more than one applicant for the same, and may apportion the price and annual rent, or the annual rent only, as the case may be, in respect of each subdivision, all cost of re-survey of such blocks to be paid by the applicant. The Board shall forthwith report to the Commissioner its decision on the applications so referred, and the names of the successful applicants together with particulars of the lands allotted to them and the rents payable shall forthwith be published in the Government Gazette.

21. The
PART II.

Lease to be prepared.

21. The Commissioner shall cause a lease to the successful applicant to be prepared in triplicate, and left at the Land Office, or forwarded by post to the lessee at the address mentioned in his application.

Lessee to execute lease.

22. The lessee shall, within twenty-eight days, or such further time as the Commissioner may allow, execute each part of such lease, and cause the same so executed to be delivered at the Land Office for execution by the Governor, and shall forward therewith the balance of first year's rent and prescribed fees.

Lessee neglecting to complete lease to forfeit amount paid and rights.

23. Any lessee who shall fail to comply with the requirements on his part to be observed of the last preceding section shall forfeit all the moneys paid by him, and all right to a lease of the lands; and it shall be lawful for the Commissioner to deal with such lands in the same manner as if no application had been made for a lease thereof.

Lease with right of purchase.

24. Every original lease with a right of purchase shall be for the term of twenty-one years, and shall contain a right of renewal for a further term of twenty-one years, and a right of purchase of the leased lands exerisible at any time after the first six years of the term at the price fixed by the Board, such price not to be less than Five Shillings an acre. The renewed lease shall contain a right of purchase at a price to be then fixed by the Board, such price being not less than Five Shillings per acre, exerisible at any time during the term of such renewed lease. The rent for the first term of twenty-one years shall be that notified in the Government Gazette, or (in cases of subdivision of a block) that fixed by the Board on such subdivision; and the rent for the term of the renewed lease shall be fixed by the Board by re-valuation at least twelve months before the expiration of the original lease.

Perpetual lease.

25. The rent reserved by any perpetual lease for the first fourteen years of the lease shall be that notified in the Government Gazette, or (in cases of subdivision of a block) that fixed by the Board on such subdivision. The rent for every subsequent fourteen years of the lease shall be fixed by the Board by re-valuation at least twelve months before the expiration of every such period of fourteen years.

Notice of re-valuation of rent to be given to lessee.

26. Notice of the amount of every re-valuation of rent under the last two preceding sections shall forthwith be given by the Commissioner to the lessee, who shall, within six months after the receipt of any such notice, signify to the Commissioner in writing his acceptance or refusal of such re-valuation.

Rent, how payable.

27. The rent reserved by every lease under this part of this Act shall be paid annually in advance.

Gold and other metals, &c., to be reserved.

28. Every lease under this part of this Act shall contain a reservation to the Crown of all gold, silver, copper, tin, and other metals, ores, minerals and other substances containing metals, and all gems and precious stones, and all coal, timber, except dead fallen
fallen timber, and mineral oils in or upon the leased lands. The lessee shall, nevertheless, be at liberty to cut and remove any timber for the bonâ fide purposes of clearing the land for cultivation, and shall also be at liberty to use for improvements on the leased land any timber so excepted.

29. All leases under this part of this Act shall contain covenants by the lessee:—

i. To pay the rent annually in advance:

ii. To pay all rates, taxes, and other impositions which may be payable in respect of the leased land during the lease:

iii. To fence the leased land within the first five years of the term with a fence or wall, ordinarily capable of resisting the trespass of cattle, and during the remainder of the term to maintain and uphold such fence in good and substantial repair:

iv. To forthwith commence to destroy and keep the land free of vermin to the satisfaction of the Commissioner during the currency of the lease:

v. To keep and maintain all improvements the property of the Crown, and which, in the opinion of the Commissioner, may be deemed necessary, on the leased land in good and tenantable repair and condition:

vi. To insure and keep insured in the full insurable value thereof all buildings the property of the Crown upon the leased land in the joint names of the Commissioner and the lessee, in some insurance office to be approved by the Commissioner, and forthwith lodge the policy of such insurance in the office of the Commissioner, and to forward to the Commissioner the receipts for the premiums payable in respect of such policy within seven days after the same shall become due, with a power for the Commissioner to insure on default by the lessee, and to recover the amount paid for such insurance in like manner as the rent is recoverable:

vii. Subject to the regulations to permit every mineral lessee or licencee holding a lease or licence under Part v. of this Act of or respecting any of the demised land, and all persons authorised by him, to have free and unrestricted access to and egress from the land comprised in such mineral lease or licence:

And such other covenants, powers, and conditions as the Governor may deem proper for the purposes of this Act, and shall be prescribed by regulations.

30. The Governor may resume, for roads, railways, or tramways, or for sites for towns, or for park lands, or for mining purposes, or for any public purpose, the whole, or from time to time...
time any portion of the land subject to the lease: Provided that at least three months' notice of the intended resumption shall be given to the lessee.

31. In case of resumption the lessee shall be paid compensation for the loss he shall sustain thereby, and, in case of dispute, such compensation shall be determined by the Board or at the option of the lessee, as provided under clause 170.

32. Each Board, in fixing the purchase-money and annual rental, or annual rental only (as the case may be), for any original lease of any land on which there are any improvements, shall take such improvements into account. In fixing the purchase-money and the rent for a renewed lease with a right of purchase, and in re-valuations of rent under perpetual leases, the Board shall fix the rent irrespective of the value of the improvements which the lessee shall have made.

33. Any lessee under a lease with a right of purchase, who shall not, within six months after notice to him of the amount of the rent fixed by the Board on re-valuation for the renewed lease, signify to the Commissioner his acceptance of such re-valuation shall forfeit his right of renewal.

34. In case any lessee under perpetual lease shall not, within six months after notice to him of any re-valuation of his rent, signify to the Commissioner his willingness to pay the rent as so fixed, his lease shall cease and determine at the expiration of the then current period of fourteen years of his lease.

35. On or at any time within six months before the cesser or determination of any lease as mentioned in the last section, or the surrender or forfeiture of any such lease, or the expiration by effluxion of time of any lease with a right of purchase, in cases where the lessee does not avail himself of his right of purchase, a new lease or leases of the land shall be offered in one or more blocks, at the rental fixed by the Board, as hereinafter provided, and the improvements made by the former lessee shall be paid for by the incoming tenant at a price, to be fixed by the Board, and to be paid to the Commissioner and by the Commissioner to the outgoing lessee.

36. Should no application be made within three months from the date on and after which any lands were last declared to be open to be taken up on lease under this part of this Act, or should all applications received before such lands shall be again offered on lease as hereinafter provided, be rejected or refused, the Commissioner may from time to time, and at any time thereafter, offer such lands at such reduced rent as he may, with the advice of the Board, deem proper.

37. Any
37. Any person, at the time of the passing hereof, holding lands under any of the Crown Lands Acts, under agreement for purchase, or under lease with a right of purchase, or under lease issued on the surrender of any agreement for purchase, may, in manner hereinafter provided, surrender his agreement or lease in exchange for a lease with a right of purchase or for a perpetual lease under this part of this Act.

38. Any person at the time of the passing hereof holding any lands reserved for leasing under lease may, in like manner as is herein provided in the case of a person holding lands under agreement for purchase, surrender his lease in exchange for a lease with a right of purchase, or for a perpetual lease: Provided that not more than one thousand acres of land reserved for leasing shall at the time be held with right of purchase by any one person.

39. Every person desirous of availing himself of the last two preceding sections shall, in manner prescribed by the regulations, apply to the Land Board for the district:

To fix the price and annual rent at which the applicant may obtain a lease of such lands with a right of purchase, and the annual rent at which he may obtain a perpetual lease.

40. The Board may thereupon fix such annual rent, or price and annual rent, as the case may require, and notify the same to the applicant, who shall, on surrendering the agreement or lease under which he holds the lands, be entitled in exchange therefor (subject to the approval of the Commissioner) to a lease with a right of purchase, or (at his option) to a perpetual lease under this part of this Act. Both rent and purchase-money shall be subject to the approval of the Commissioner.

41. Any person holding lands under a scrub lease or under an agreement for purchase or selector's lease, and who shall surrender his agreement or lease in exchange for a perpetual lease or lease with a right of purchase, under this part of this Act, shall be charged with the rent fixed by the Board as from the date of the agreement under which the lands were first held, but shall be credited as against such rent, and as against any future rent, with all moneys paid by him since such date for or on account of the rent or purchase of such lands, except the first deposit of ten per cent.

42. It shall be lawful for the Commissioner, on the recommendation of the Land Board for the district, to reduce or remit any arrears of the rent payable in respect of any lands leased from the Crown, and situate within hundreds within such district and Schedule D to this Act. A return of all such reductions and remissions, with the reasons therefor, shall be annually laid before Parliament within one month after the opening of Parliament for the dispatch of business.

43. Each
43. Each Land Board, and every member thereof, and any person
authorised by the Board, may, for the purposes of carrying out the
duties and powers of the Board, enter upon any lands leased from
the Crown situate within the district for which such Board was
appointed, and view the same and any buildings or other improve-
ments thereon.

44. All Crown lands within hundreds and not within the limits
of Municipal Corporations or District Councils shall be subject to
such rights of commonage, with the consent of the Commissioner,
as shall from time to time be prescribed by the regulations. Section
123 of "The District Councils Act, 1887," shall be read as if the
words "travelling stock reserve or" in the two last lines thereof had
been omitted.

PART III.
SALE OF LANDS FOR CASH.

45. Special blocks of land may be sold by auction for cash.

46. All Crown lands within hundreds, which shall have been
offered for lease and have not been taken up on lease under Part
II. of this Act within two years from the day on which such lands
were first open to be so taken up, may be sold by auction for
cash.

47. Town lands may be sold by auction for cash, and shall not be
sold upon credit or by private contract.

48. The Commissioner may fix an upset price or prices at which
the lands mentioned in the last three preceding sections may be
respectively offered at auction, and may from time to time raise and
lower such upset prices: Provided always that no country lands
shall be sold under this part of this Act at less than Five Shillings
per acre.

49. No such lands shall be offered for sale at auction until after
a statement showing the particular lands, and the upset price or
prices 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 not less than four consecutive weeks in the Government
Gazette.

50. No Crown lands shall be sold for cash at public auction
unless on condition that the purchaser shall, at the time of sale, pay
in ready cash, a deposit of at least twenty per cent. 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
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.

51. All Crown lands within hundreds, which shall have been open for leasing, under Part II. of this Act, and shall be offered for sale by auction for cash, may, notwithstanding their being so offered, remain open for leasing, and may be taken up on lease at any time not less than thirty days prior to the day appointed for the sale of such lands by auction; and any such lands offered for sale by auction and not sold shall remain open for leasing as aforesaid, or may be sold by private contract for cash at the upset price at which the same were last offered for sale by auction.

52. All purchase-moneys arising from the sale of lands shall form a fund primarily applicable to the payment of such portion of the public liabilities as shall hereafter be specially charged thereon.

53. Any Crown lands may, under and subject to the conditions specified in the next following section, be sold for the purpose of forming a fund for the payment of the deficit in the revenue of the province existing on the thirtieth day of June, one thousand eight hundred and eighty-seven, or of the moneys secured by Treasury Bills issued in respect thereof.

54. The lands to be sold pursuant to the last preceding section shall be defined in a plan and return to be laid before both Houses of Parliament, and such return shall state the price or upset price, terms, conditions, and mode in which it is proposed that the same shall be sold, and no such land shall be sold until such return shall have been laid before both Houses of Parliament for one month whilst in session, nor shall any land so defined be sold, pursuant to the last preceding section, unless a resolution affirming the expediency of selling the same shall have been passed by both Houses of Parliament.

PART IV.

PASTORAL LEASES.

55. All Crown lands not included in any hundred 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 right of renewal.

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

Class 1. Including all pastoral lands now held by any pastoral lessee for any term of years granted by any new lease issued...
 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 then existing right of renewal:

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

(a)—Relating to Class I.

57. 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 may determine to be most suitable for securing the stocking and development of the country and theutilising of the improvements thereon.

58. Every such lease shall be for a term not exceeding twenty-one years, and the annual upset rent shall be fixed by valuation, and the rent paid 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.

59. Leases shall be offered for sale, as provided by section 57, at any time not earlier than two years before and not later than the expiration
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.

60. The pastoral lessee of any pastoral lands in Class I 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 the regulations.

61. On the expiration, by effluxion of time, of any pastoral lease granted since the seventeenth day of November, one thousand eight hundred and eighty-six, or 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, be paid 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 or after the date of the sale of such lease to the pastoral lessee; and in cases of resumption (except as regards the lands comprised in the leases specified in Schedule B hereto, in respect of the resumption of which no compensation shall be payable) 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 only of the lands shall be resumed.

(b)—Relating to Class II.

62. The provisions of sections 57, 58, 59, and 60 of this Act shall apply to all pastoral lands in Class II. as well as to all pastoral lands in Class I.

63. 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, be paid the value of all improvements
provements 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 only of the lands leased shall be resumed.

(c)—Relating to Class III.

64. 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—

i. 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:

ii. Rent.—The upset annual rent at which any such lease shall be offered shall be Two Shillings and Sixpence per square 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:

iii. Stocking.—The lessee to covenant to stock the land leased 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 bonâ 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 square
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square mile made before the end of the third year of the term, and to the value of Three Pounds per square 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.

65. Leases may be granted to any bonâ fide discoverer of any Crown lands in Class III., adapted for pastoral purposes, of the lands so discovered, at the rent of Two Shillings and Sixpence per square mile per annum, and otherwise upon the same terms and conditions as are contained in the last preceding section.

66. When any pastoral lessee of pastoral 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.

67. Every lease offered for sale pursuant to the last preceding 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 and other moneys (if any) due to the Government by the surrendering lessee.

68. 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 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 preceding section.

69. The provisions of section 63 shall apply to all pastoral lands in Class III. as well as to all pastoral lands in Class II.

(d)—Resumptions.

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

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

11. If such land shall be required for any other purpose, three years' written notice shall first be given to the lessee, except as regards the lands comprised in the leases specified in Schedule B hereto, for the resumption of which one year's written notice shall be sufficient.

(e)—Auctions.

71. 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 60 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.

72. No lease shall be offered for sale by auction pursuant to this part of this Act until the expiration of not less than four weeks after the Commissioner shall have caused notice of such auction to be published in the Government Gazette: 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.

(f)—Valuation of Rents.

73. 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.

74. 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
the Commissioner shall be satisfied that the same were made bona fide for the purpose of improving the land for pastoral purposes, 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, available for the use of cattle or sheep, and which increase the carrying capacity of the land leased, or of substantial buildings, fences, huts, and sheds erected for residence, shearing, or other purposes usually required for, or in connection with, 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.

75. No lessee shall be entitled to any payment in respect of any improvements made after the fourteenth day of November, one thousand eight hundred and eighty-four, 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.

76. As regards pastoral leases, granted before the fourteenth day of November, one thousand eight hundred and eighty-four, 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.

77. 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.

78. 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.

79. 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.
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(i)—Miscellaneous.

80. The expenditure of money on land held under pastoral lease 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 square mile made before the end of the third year of the term, and to the value of Three Pounds per square 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.

81. Every pastoral lease of pastoral lands which shall hereafter be granted shall be executed in triplicate 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.

82. 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.

83. 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 the regulations: 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 lease shall be subject to the rights of commonage of owners of land within such hundred and of persons holding land within such hundred under agreement for purchase from the Crown.

84. Every lessee of pastoral lands in Class II. held under any Act in force before the seventeenth day of November, one thousand eight hundred and eighty-six, 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 were at that time 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
ments 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 and the Acts hereby repealed had not been passed.

85. Every pastoral lessee of pastoral lands in Class III., and every pastoral lessee of pastoral lands in Classes I. and II., whose lease shall have been granted on or since the seventeenth day of November, one thousand eight hundred and eighty-six, or shall be hereafter granted, 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 A 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.

86. In cases where contiguous lands are included in more pastoral leases than one, and are occupied or used together as one run, the statements or returns 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.

87. Every statement or return under section 85 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 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 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 lands belonging to the Crown, whether leased or not, and count the sheep and cattle not belonging to the lessee or other person directed to make a return as aforesaid, and for such purpose it shall be lawful for any person acting under the authority of
Owners of travelling stock to pay fees.

88. The Commissioner shall forthwith forward a copy of the returns made in pursuance of section 84 of this Act to the owners (if ascertained) or to the persons in charge of the 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, so 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 payments aforesaid.

89. Any document or instrument signed by the Commissioner authorising any police trooper, Crown lands ranger, or other person to make any demand as aforesaid shall be a sufficient authority to the person therein named and his assistants for seizing and selling any sheep or cattle therein mentioned in case default shall be made by the owner or person in charge in paying the amount demanded as provided by the last preceding section.

90. 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
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, so 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 of 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.”

91. The Governor may, in any case where he thinks it expedient, accept a surrender of any lands comprised in any pastoral lease, if such lands shall be contiguous to other lands resumed by the Government, or held by the same lessee under another pastoral lease expiring at or about the time of the acceptance of such surrender, and may thereupon resume possession of the land so surrendered: Provided that this section shall not apply to any lease which by effluxion of time would expire after the thirty-first day of December, one thousand eight hundred and ninety-three.

92. In any such case the pastoral lessee shall be entitled to receive the same payment for improvements as he would have been entitled to if the lease so surrendered had at the time of surrender expired by effluxion of time: Provided that no payment for improvements shall be made until the land comprised in such surrendered lease be either let or sold, or the surrendered lease would have expired by effluxion of time, but the valuation shall be made so soon as practicable after such surrender.

93. 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 V.

LEASES AND LICENCES FOR MINING PURPOSES.

94. Leases of mineral lands may be granted for mineral purposes in
in blocks not exceeding eighty acres to any person or company who
shall first apply for the same. All applications for such leases shall
be in the form, and shall be made and dealt with in the manner,
prescribed by the regulations.

95. 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 for and dispose of for his own benefit all metals and minerals
upon the leased land except gold.

96. Any person making application for a mineral lease of any
mineral lands, upon which there are at the time any improvements,
shall, previous to such lease being granted, pay into the Treasury a
sum to be fixed by the Commissioner for the value of the improve-
ments on such lands.

97. The annual rent reserved by 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 on 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 the thirty-first day of
August in each year under the penalties hereinafter provided.

98. 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
C 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 lessee or other
person wilfully making 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 in-
spection 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.

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

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

2. That
11. 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 the soil and rendering marketable any metals or minerals therein contained and by this Act authorised to be removed:

11. That he will 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 therefrom, not less than one man for every twenty acres or portion of twenty acres of the land demised, and that he will furnish the Commissioner, whenever required by him, with satisfactory evidence that such sum of money has been laid out or such number of men has been employed as aforesaid:

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

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

vi. Such other covenants and conditions as the Commissioner 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 contained to be performed by the lessee.

100. Any mineral lessee of any contiguous blocks of land under more than one mineral lease, may give notice in writing to the Commissioner of his desire to surrender such leases, and obtain 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 lands comprised in mineral leases numbered respectively , do hereby give you notice

Lessee of contiguous lands may apply to consolidate leases.
notice that it is my desire to surrender such leases and obtain one mineral lease under "The Crown Lands Act, 1888," in lieu thereof.

Dated the day of 18 .

101. Upon receipt of such notice by the Commissioner it shall be lawful for the Governor to accept a surrender of the leases mentioned in such notice, and to grant a new mineral lease of the 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.

102. The Commissioner may, subject to the regulations, allow the lessees of contiguous lands held under mineral leases to different lessees to amalgamate their leases, or to surrender the same and obtain one or more mineral leases of the lands included in the surrendered leases.

103. Every mineral lessee may surrender the mineral leases held by him on giving notice in writing to the Commissioner of his intention so to do.

104. The Commissioner may, on payment of a fee of Twenty Shillings for each licence, grant licences 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 the regulations, authorise the licensee and his assigns, servants, 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 minerals (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. No person shall hold under specific mineral licence at one and the same time more than eighty acres of mineral lands.

105. Every such licencee shall, during nine months of the term of his licence, employ in manner prescribed by the regulations, and keep employed in searching for metals and minerals and in mining upon the land described in the licence, at least one man, and shall furnish the Commissioner whenever required by him, or by the regulations, with satisfactory evidence that the obligation conferred by this section is being, or has been, performed. In default of any licencee complying with this section his licence and all rights thereunder shall be absolutely forfeited.

106. The holder of any such mineral licence may, with the previous consent in writing of the Commissioner, remove from any mineral
mineral 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.

107. The Commissioner may also, on payment of a fee of Twenty Shillings for each licence, grant licences 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 the regulations, authorise the person therein named, 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.

108. No mineral licence shall include or apply to any lands held or occupied for gold mining purposes.

109. The holder of any gold mining lease shall, subject to the regulations, be entitled to a preferential right to, and may hold a mineral lease of the land comprised in such gold mining lease.

110. The lessee of any lands held under any lease from the Crown heretofore granted or hereafter to be granted for mining purposes (other than for gold mining) shall, on the determination of his lease by effluxion of time, and on payment of a fine or premium to be fixed by valuation, and, on compliance with the regulations, be entitled to a new lease under this part of this Act of the land comprised in the expired lease.

111. On any lessee not availing himself of the right of renewal mentioned in the last preceding section, or on the forfeiture of a mineral lease, a new mineral lease, or leases of the land, shall in the first place, be offered for sale by the Commissioner in one or more block or blocks, at public auction, at an upset price to be fixed by the Commissioner.

112. Any licencee under section 104 may at any time surrender his licence in manner prescribed by the regulations.

113. Notwithstanding anything contained in "The Gold Mining Act, 1885," or in this Act, it shall be lawful for any company formed for the purposes of or carrying on mining, and duly registered under any of the laws for the time being in force in the province, to hold any number being not more than twelve gold mining leases or mineral leases.

114. Every lessee under a gold mining lease current at the time of
of the passing of this Act, and granted pursuant to Act No. 26 of 1870-71, shall, on obtaining the consent in writing of the Commissioner, have liberty to surrender his lease, and shall, on payment of the prescribed fee, be entitled to have granted to him in lieu of the surrendered lease a new lease of the same land under "The Gold Mining Act, 1885."

115. Whenever any lessee, or two or more lessees of contiguous lands held under gold mining leases heretofore or hereafter granted by the Crown shall be desirous of re-adjusting or altering the boundaries of the land comprised in such leases, or any of them, it shall be lawful for him or them to surrender such leases, or one or more of them, and to obtain in lieu of the surrendered leases or lease new leases or a new lease of the same or any portion of the same land, for the unexpired terms or term of, but otherwise upon the same terms and conditions, as the surrendered leases or lease: Provided always, that no such new lease shall be for a greater area than twenty acres, and that no rent or other payments shall be payable in respect of any land included in the surrendered leases or lease and not included in the new leases or lease.

**PART VI.**

**LEASES AND LICENCES FOR MISCELLANEOUS PURPOSES.**

116. 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 Crown lands or other lands belonging to or vested in the Crown on which such discovery shall have been made; and every such lease shall be granted on such terms and conditions as the Governor may think fit, or as may be prescribed by the regulations. No person shall hold under such leases at one and the same time more than six hundred and forty acres of land. 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. Notwithstanding anything contained in section 22 of Act No. 26 of 1870-71, intituled "An Act to amend the Law relating to Gold Mining, and for other purposes," leases of waste lands of the Crown may be granted as herein provided, although such lands are situated within the limits comprised in any lease for pastoral purposes granted prior to the passing of the said Act.

117. 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.

118. Leases
118. Leases may be granted of any Government buildings not required for Government purposes, or of any Crown lands, or other lands belonging to or vested in the Crown, 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—

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

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

3. For sites for inns, stores, smithies, bakeries, or other buildings for business purposes which the Governor may approve in thinly-populated districts:

4. For sites for bathing-houses, bathing-places, mail stations, toll or punt houses:

5. For sites for tanneries, factories, sawmills, or paper-mills:

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

7. For the working of mineral springs:

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

9. For the manufacture of salt:

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

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

12. For any other purpose approved by the Governor.

119. Every lease under the last preceding sections shall be offered for sale by auction to the highest bidder, at such time and place, and at such upset rental, as shall be fixed by the Commissioner by notice published in the Government Gazette not less than four weeks before the day of holding such auction: Provided that lands that may have been offered by auction under this section, and not sold, 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 the right to a lease thereof shall be decided by lot.

120. Every lease granted under section 118 hereof 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 such other covenants as the Governor may think fit to impose; and shall also contain a provision for forfeiture upon breach of any covenant contained in the lease.

121. Any
PART VI.

Present lessees under miscellaneous lease for grazing purposes may cultivate.

Timber and stone, &c., licences may be granted.

Special licences.

PART VII.

121. Any lessee under any now existing miscellaneous lease granted under any of the Crown Lands Acts for grazing and cultivation purposes, or for grazing purposes only, may cultivate the whole of the land comprised in such lease without rendering the lease liable to forfeiture, provided that no timber shall be cut down or destroyed without the consent of the Commissioner.

122. The Commissioner, or any person authorised by him in that behalf, may grant licences to enter upon any Crown lands or any other lands belonging to or vested in the Crown, to be described in such licences and to occupy the same for the purpose of cutting, obtaining, and taking away any live or dead timber, gravel, stone, clay, earth, or sand, and may also grant licences to enter upon any Crown lands and lands leased for pastoral purposes, to be described in such licences, and to occupy the same for the purpose of obtaining and taking away any salt, guano, manure, shell, or seaweed.

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

i. For fishermen's residences and drying grounds:

ii. For manufactories, fellmongering establishments, slaughterhouses, brick or lime kilns, or sawmills:

iii. For depasturing any of such lands (except lands leased for pastoral purposes) with cattle, sheep, or other animals:

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

v. For any other purpose approved by the Commissioner.

Conditions of licences

124. Every licence issued under this part of this Act shall bear 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.

125. 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 any lands described in such notice, or shall exercise on any such lands the powers, or any of them, conferred by any licence granted under the authority of any of the Crown Lands Acts; and if, after the publication of any such notice as aforesaid, any licensee or person otherwise authorised shall commit any act in contravention of such notice, such licence or other authority shall be void.
PART VII.

LEASES OF SMALL BLOCKS FOR WORKING MEN.

126. The Commissioner may cause any Crown lands, and lands reserved for the use and benefit of the aboriginal inhabitants of the province, except such lands as are reserved for the use and occupation of aborigines at Poonindie, Point Macleay, and Point Pearce, to be surveyed in blocks not exceeding twenty acres in area, and may cause leases of such lands to be offered under Part II. of this Act.

127. 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.

128. 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.

129. On the lessee making default for the period of three months in the payment of the rent reserved by the lease, or making default in the observance or performance of the condition or covenant for personal residence contained therein, 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.

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

131. 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, and forming portion of or adjoining a travelling stock reserve, 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 the cattle or sheep trespassing.
PART VIII.

FRAUDS AT AUCTIONS.

132. 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.

133. Any agreement by any person to pay more than two and a half per cent. on the purchase-money to any other person for bidding or acting for such first-mentioned person at any such auction sale shall be absolutely illegal and void.

134. 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 hereinbefore 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.

135. 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 be sued for and recovered by whosoever shall sue for the same within twelve months from the time of the offer or proposal.

136. 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
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.

137. 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 IX.

MISCELLANEOUS PROVISIONS.

138. All conditions and agreements for cultivation contained in any agreement for, or lease with a right of, purchase, current at the passing hereof and made under any of the Crown Lands Acts, are hereby abolished; and all conditions and covenants for residence contained in any lease, current at the passing hereof and granted under any of such Acts (except the covenant or condition for residence, whether personal or substituted, contained in any lease with a right of purchase) are also hereby abolished; and all such agreements and leases (except as herein excepted) shall be read and construed accordingly.

139. Any person who at the time of passing of this Act shall hold any land from the Crown under agreement for purchase or under scrub lease, with a right of purchase, shall be at liberty to complete his purchase at the expiration of six years from the time when such land was originally taken up by such person or his predecessors in title or at any time thereafter during the currency of his agreement or lease, and shall, on payment of the purchase-money then
PART IX.

Educational lands to be dealt with by Boards.

Mortgages of surrendered agreements and leases to continue in force.

Disability of persons under eighteen to hold lease or licence.

Appointment of Land Offices.

then due and of the prescribed fee for the grant, be entitled to the land in fee-simple: Provided that the Commissioner may in any case require proof to his satisfaction that the conditions of such agreement or lease have been bona fide fulfilled continuously for six years. Provided also that all moneys received shall be a fund for the payment of the deficit in the Revenue of the Province existing on June thirtieth, one thousand eight hundred and eighty-eight, or of the moneys secured by Treasury Bills issued in respect thereof.

140. All future leases of lands now or hereafter vested in the "Commissioner of Educational Lands," shall be perpetual leases. All such lands shall hereafter be dealt with in every respect as regards classification, the fixing of areas and annual rent, the mode and disposal of application for leases, the terms and conditions of the leases, the periodical re-valuations of rent, the consequences on non-acceptance of such re-valuations and otherwise as if such lands were Crown lands within Hundreds, to be let on perpetual lease, within the meaning of Part II. of this Act. It shall be lawful for the Commissioner, on the recommendation of the Land Board for the district, to reduce the rent payable in respect of any lands leased as Educational Lands, and situate within the district of such Land Board. A return of all such reductions, with the reasons therefor, shall be annually laid before Parliament within one month after the opening of Parliament for the dispatch of business.

141. No mortgaged agreement or lease shall be surrendered under Part II. of this Act, nor shall any mortgaged lease be surrendered under the right conferred by the last preceding section, unless the written consent of the mortgagee to the proposed surrender shall have been first obtained: And, unless the mortgagee shall otherwise direct, the new lease shall be issued and be subject to the mortgage, and such mortgage shall be noted on the new lease, and shall be of the same force and effect, and be construed as if it were a mortgage of the lease issued in lieu of the surrendered agreement or lease.

142. No person under the age of eighteen years shall be entitled to hold, directly or otherwise, any lands comprised in any lease or licence under this Act, unless such person shall become entitled to the lease or licence as the personal representative of a lessee or licencee. All covenants and conditions contained in or imposed by any lease or licence granted to any minor of the age of eighteen years or upwards shall be as binding upon such minor as if he were of full age.

143. It shall be lawful for the Governor, by Proclamation in the Government Gazette, to appoint any place in the said province a Land Office for the receipt of applications for land and the conduct of sales under this Act, and otherwise carrying out the provisions of this Act; and the Governor may, upon the like addresses, declare that any such place so appointed shall cease to be a Land Office.

144. The
144. 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: Provided that no such auction shall be held until the time and place thereof, and what lands are intended to 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.

145. 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.

146. The Commissioner may at any time withdraw from sale or lease any Crown lands, and any lands so withdrawn shall not again be offered for sale or lease respectively, until they shall have been re-advertised for one month in the Government Gazette as open for sale or lease, as the case may be.

147. The Commissioner, notwithstanding anything in this Act contained, may decline to accede to any application for the purchase or lease with a right of purchase of any land known or supposed to contain gold, silver, copper, or any other mineral, or which it may deemed desirable to reserve for public purposes.

148. 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 (except for the purpose of sale, or of being leased under Part II. of this Act) to be Crown lands: Provided that nothing herein contained shall affect any lands the care, control, and management of which have been or shall hereafter be placed in a Municipal Corporation or District Council.

149. 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 section provided

**PART IX.**

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<td>150.</td>
<td>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 properly 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.</td>
</tr>
</tbody>
</table>

| 151. | 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. |

| 152. | 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. |

| 153. | The rent reserved by 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. |

| 154. | 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 |
five per cent. may 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. may 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.

155. 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; and the Registrar-General shall, at the request of the Commissioner, make the necessary entries in the Register Book for giving effect to such cancellation or forfeiture.

156. It shall be lawful for any person authorised thereunto by the Commissioner, to take possession on behalf of the Crown of all lands, messuages or tenements belonging to or vested in the Crown, of which any person shall be in unauthorised possession or occupation, and forcibly to eject every person in possession or occupation of such lands, messuages, or tenements.

157. The Commissioner, notwithstanding the forfeiture of any agreement or lease under any of the Crown Lands Acts, or "The Educational Lands Act, 1881," may, whenever he thinks it expedient so to do, rescind or annul such forfeiture, upon such terms as he may think fit; and any such rescissions and annulments heretofore made are hereby declared to be valid.

158. Whenever any agreement or lease under any of the Crown Lands Acts shall have become, or be liable to revocation, 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 purchaser or lessee may perform the conditions of his agreement or lease, for such time, and subject to such terms and conditions as he may think fit; the terms and conditions so imposed by the Commissioner shall be binding upon the purchaser or lessee; and all transferees, mortgagees, assignees, and other persons claiming through or under him and the agreement or lease under which the land is held, shall thereafter be construed as if such terms and conditions were inserted therein.

159. The
159. The Commissioner may at any time, and from time to time, extend, or wholly or partially remit all or any of the covenants, agreements, and conditions contained in any agreement or lease made or granted under any of the Crown Lands Acts in any case where he is satisfied that by reason of any special circumstances it would be impossible to comply with or would inflict great hardship upon the purchaser or lessee to enforce such covenants, agreements, or conditions. A return of all such remissions, with the reasons therefor, shall be annually laid before Parliament within one month after the opening of Parliament for the dispatch of business.

160. 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 the purchase-money of land, or for the payment of rent or interest, or for giving any notice 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 receive such purchase-money, rent, or interest, or to accept such notice after the time appointed upon such terms as he may think fit, 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.

161. 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 a reserve, a preferential right of mining in respect of the lands intersecting or abutting on such property: Provided that no licence shall be granted to mine on or under any street, road, or highway, unless the consent of the Municipality or District Council, within the control of which such is located, has first been obtained.

162. Whenever any lands belonging to or vested in the Crown (whether subject to a contract for purchase or to a lease or not), shall be demised under a mineral lease, or whenever a specific mineral licence shall be granted in respect of any of such lands, or whenever any lands subject to a pastoral lease shall be demised under Part VI. of this Act, the term of the original lease in the lands so demised for mineral or miscellaneous purposes, or subject to such mineral licence, shall at once cease and determine, and every such original lease shall thereafter be read and construed as if the land
so demised for other purposes or subject to such mineral licence had
been expressly excepted thereout.

163. The Governor may at any time, on the application in
writing of the holder of an agreement or lease under any of the
Crown Lands Acts, grant to any corporation, or to trustees, any of
the land comprised in such agreement or lease to be used as a site
for a school, church, chapel, institute, or hospital, or for any other
public or charitable purpose, not exceeding for any one of such
purposes two acres.

164. The Governor may at any time, in any case where any
such holder or lessee shall desire to use or transfer any of his land
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 holder or lessee,
grant to him or his nominee any portion of such land 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.

165. Every holder or lessee desiring to avail himself of any of
the provisions of the last two preceding sections 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, fixed
(if the land is subject to a contract for a lease with a right of pur-
chase) at the rate per acre at which he shall have agreed to
purchase, or have the right to purchase, the land; or (in other cases)
by valuation, in case of difference; and from and after every such
grant the agreement or lease in which the land so granted is
included shall be read and construed as if such land had been ex-
pressly excepted from the operation of such agreement or lease.

166. 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.

167. 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 miscel-
naneous 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.

168. Any
168. Any lessee (other than a mineral lessee), under any of the Crown Lands Acts who shall have, since the ninth day of December, one thousand eight hundred and eighty-seven, erected or shall hereafter erect a new rabbit-proof boundary fence, or shall have made, or shall make, an existing boundary fence rabbit-proof, shall be entitled to recover from the owner or lessee of the land adjoining such boundary fence half the cost of such new fence, or of making such existing boundary fence rabbit-proof, so soon as the owner of the land adjoining shall avail himself of such rabbit-proof fence within the meaning of the "Fencing Act, 1865". Provided that notice of intention to erect such new fence, in writing, to such owner or lessee at least one calendar month or to make such existing fence rabbit-proof, shall have been given before such fence shall have been erected or made rabbit-proof. For the purposes of this section, "boundary fence" shall mean any fence used or accepted by adjoining lessees or occupiers as a boundary line between their respective holdings; "rabbit-proof" shall mean ordinarily capable of resisting the trespass of rabbits; and notices may be served either personally, or by being posted in any post office, addressed to the person for whom the same is intended, at his last known or most usual place of address.

169. Every valuation of rental under Part iv. 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.

170. All other valuations under this Act (except the re-valuations of rent to be made by the Land Boards, as hereinbefore provided) 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 or neglect to act, then the arbitrator named by the other party may make a final decision alone.

171. It shall be lawful for any lessee under any of the Crown Lands Acts to surrender his lease 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 the form, and shall be made and executed in the manner prescribed by the regulations.

172. When any lease shall have been so surrendered, it shall be lawful for the Governor, in the name and on behalf of the Crown, 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
by the lessee surrendering such lease; and every such new lease shall be granted for the unexpired period of the term of, and for the same purposes, and subject to the same terms, conditions, and regulations, as the lease so surrendered.

173. 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 the property of the Crown; 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.

174. The executors or administrators of any purchaser from the Crown on credit, or of any lessee from the Crown having a right to purchase any lands from the Crown, may, with the consent of the Commissioner, mortgage such lands for the purpose of completing the purchase thereof.

175. 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.

176. 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 the regulations.

177. 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, and instruments under this Act; for prescribing the mode of, and the terms and conditions upon which, rights of surrender under this Act may be exercised; for regulating the proceedings of, and the mode of dealing with, applications by the Land Boards under this Act; 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
PART IX.

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 force 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, 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. Any such regulations may be made to apply generally to the province, or to any particular part or parts thereof only, and in respect of holdings, claims, leases, licences, or other matters or things of every class, or of any particular class or classes only.

178. 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.

PART X.

LEGAL PROCEDURE, TRESPASSES, AND PENALTIES.

179. 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 the Crown, and on behalf of the Commissioner, in respect of any lands belonging to or vested in the Crown, all Acts for preventing intrusion, encroachment, and trespass on such lands, and for taking possession of any such lands in case of forfeiture, and for such other purposes as the Commissioner may direct.

180. 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 the Crown; 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 the Crown.
181. 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.

182. 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 dedicated or reserved lands, and not bona fide travelling either to the station of the owner or to market, or which, being bona fide 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 bona fide travelling shall be upon the owner or person in charge of such cattle or sheep.

183. Whosoever shall depasture any cattle or sheep, goats, or pigs, upon any Crown lands, or reserved or dedicated lands, or any lands vested in the Commissioner of Educational Lands without having obtained a valid licence or other lawful authority in that behalf, or shall depasture on any such 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 every 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.

184. Any person who shall unlawfully occupy any lands belonging to or vested in the Crown, either by residing or by erecting any building or hut thereon, or by clearing, enclosing, or cultivating any part thereof, 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 that Twenty Pounds; for the third or any subsequent offence, a sum not less than Twenty Pounds
PART X.

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.

185. 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 land, without a valid licence or other lawful authority in that behalf, except for making the improvement on the leased land, 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 every 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 to be imprisoned with or without hard labor for any period not exceeding two months; 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 Justice of the Peace to be dealt with according to law.

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

187. 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 the Crown, 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.

188. Any person who shall wilfully obstruct or hinder any member of a Land Board, or any Crown lands ranger, or any other
other person authorised by this Act to exercise any right or power, from exercising such right or power, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to a penalty not exceeding Fifty Pounds, or to be imprisoned, with or without hard labor, for any period not exceeding six months.

189. 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, licence, or other document, purporting to be a grant, proclamation, lease, or licence, or other document authorised to be made, issued, or granted under this Act, or any authority from the Crown, or the Governor, or the Commissioner, or any person acting on behalf of the Crown, to occupy or relating to any Crown lands shall be guilty of a felony, and, being convicted thereof, shall be liable to be imprisoned, with or without hard labor, for any term not exceeding eight years.

190. All proceedings under any of the Crown Lands Acts may be had and taken, and all penalties, fines, forfeitures, and sums of money incurred or imposed or payable under any of such Acts 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.

191. In any action, suit, or proceeding under any of the Crown Lands Acts, the averment that any lands are Crown lands, dedicated lands, reserved lands, or lands belonging to or vested in the Crown, 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, or other moneys under any of such Acts, 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.

192. All proceedings for the recovery of any pecuniary penalty imposed by any of the Crown Lands Acts, for any omission, default, act, or offence 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 1859, 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
order the defendant, in default of payment thereof, to be imprisoned, with or without hard labor, for any period not exceeding six months.

193. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against any of the Crown Lands Acts, 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.

194. 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 costs 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.

195. All moneys received for penalties imposed for offences against any of the Crown Lands Acts shall be paid to the Treasurer for the public use of the province and in support of the Government thereof.

196. 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 action or proceeding 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.

197. All actions for anything done under this Act shall be commenced within six months after the cause of action shall have arisen, and not afterwards; and notice in writing of such action, and the cause thereof, shall be given to the defendant one 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
cient amends shall have been made before action brought, or if a sufficient sum of money shall have been paid into Court by or on behalf of the defendant after action brought, together with the costs incurred up to that time.

198. The production of the Government Gazette, in which shall be published any proclamation, regulation, notice, appointment, or other notification made or given or purporting to be made or given under any of the Crown Lands Acts, shall be deemed and taken to be *prima facie* evidence in all Courts and before all Justices that such proclamation, regulation, notice, appointment, or notification was duly made or given, and is of full force and effect.

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

200. This Act shall come into operation on a day to be fixed by Proclamation in the Government Gazette.

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

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

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**SCHEDULE A.**

*A Return of all Sheep and Cattle which, on the first day of 1888, were travelling over the Pastoral lands included in Lease No.*

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

I, A. B., 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 pastoral lands included in Lease 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 1888, were actually upon, travelling over, or depasturing on the lands comprised in such lease (if there are more leases than one and the lands are contiguous after the form accordingly and add, I further declare that the lands comprised in the leases above referred to are contiguous.)

Signed this day of 1888, by me, A. B.

Witness—

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**SCHEDULE B.**

*Pastoral lands in Class I. which may be resumed on one year's notice.*


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**SCHEDULE C.**

*Form of Return under Mineral Lease.*

To the Commissioner of Crown Lands.

Sir—I, A. B., of [being the lessee (or the person having the management) of those portions of the mineral lands comprised in mineral lease (or leases) numbered (if so 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 1888.

Dated the day of 1888, A. B.

Witness—

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SCHEDULE D.

Lands within which rents may be reduced.

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 Killanooila 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 340 of 1885.

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 Rousevell 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.