No. 501.


[Assented to December, 23rd, 1890.]

WHEREAS it is expedient to repeal "The Northern Territory Crown Lands Consolidation Act, 1882," 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 Northern Territory Crown Lands Act, 1890."

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

   Part I. Introductory and General Provisions, sections 1 to 12:
   Part II. Leases with Right of Purchase and Perpetual Leases of Country Lands, sections 13 to 48:
   Part III. Sales for Cash, sections 49 to 53:
   Part IV. Leases for the Growth of Agricultural Products, sections 54 to 58:
   Part V. Pastoral Leases, sections 59 to 76:
PART VI. Leases and Licences for Special Purposes, sections 77 to 84:

PART VII. Miscellaneous Provisions, sections 85 to 102:

PART VIII. Trespass Penalties and Legal Proceedings, sections 103 to 115.


4. Such repeal, except where otherwise expressly provided by this Act, shall not affect any existing agreement, lease, or licence heretofore made or granted, nor any estate, right, title, interest, power, duty, obligation, liability, or onus probandi created by, acquired under, or now or hereafter existing under or by virtue or in respect of any such agreement, lease, or licence, or under or by virtue, or in respect of such repealed Act; nor prejudice or affect anything already lawfully done or commenced, or agreed or authorised to be done, under such Act, or under any existing agreement, lease, or licence, all which agreements, leases, and licences shall be of the same force and effect as if this Act had not been passed: And all divisions, proclamations, regulations, acts, proceedings, matters, and things lawfully made or done before the passing of this Act, by, under, or in pursuance of such repealed Act, shall be of the same force and effect, to all intents and purposes, as if the said Act were still in force: And no proceeding, criminal or civil, which at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 Justices, 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 judgment or sentence enforced, as if the said repealed Act were still in force: And, except where otherwise expressly provided, all offences committed, and penalties, forfeitures, and liabilities incurred, before the passing of this Act, or which may hereafter be committed or incurred in respect of, or in relation to, any existing agreement, lease, or licence, or by reason of or in relation to any duty, omission, false return, unlawful act, breach, or other matter or thing under or against the repealed Act, shall and may be tried, punished, inquired into, and enforced as if the repealed Act were still in force: And wherever, in any Act, deed, contract, or agreement, or other written instrument, any reference is made to the repealed Act, such reference shall be read and construed to include this Act.

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

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

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

“Country lands” shall mean and include all Crown lands other than town or suburban lands:

“Crown lands” shall mean and include all lands in the Northern Territory, except—

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

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

3. 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 lease or application for lease shall have been or shall be surrendered, or, having been reserved or dedicated, shall have been or shall be lawfully resumed by Proclamation, or 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 been resumed, or shall have reverted to the Crown:

“Gazette” and “Government Gazette” shall mean the South Australian Government Gazette, published in Adelaide, or such official gazette published in the Northern Territory, or such newspaper or publication published and circulating in the Northern Territory, as shall from time to time, by notice in the South Australian Government Gazette, be appointed by the Minister:

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

“Minister” shall mean the Minister of Education for the time being of the said province, or other the Minister for the time being having the control or management of the Northern Territory:

“Northern Territory” shall mean so much of the Province of South Australia as lies to the northwards of the twenty-sixth parallel of south latitude, and between the one hundred and twenty-ninth and one hundred and thirty-eighth degrees of east longitude, together with the bays and gulfs there situated, and all and every the islands adjacent to any main land
PART I.

land within such limits as aforesaid, with their rights, members, and appurtenances:

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

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

“Sheep” shall mean and include rams, wethers, ewes, and goats; and also lambs and kids over six months old:

“Suburban lands” shall mean all surveyed Crown lands situated within three miles of any town lands or park lands:

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

Governor’s powers.

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

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

(b) For the public use or benefit—

i. Exchange any Crown lands for any other lands in the Northern Territory:

ii. Accept the surrender of or resume any lands granted after dedication for any public purpose freed from any trusts:

iii. Authorise the exchange, freed from any trusts, or subject to such trusts as he may approve, of any lands granted after dedication for other lands so granted:

(c) Demise to any aboriginal native, or the descendant of an aboriginal native, any Crown lands not exceeding one hundred and sixty acres in area, for any term of years upon such terms and conditions as he shall think fit:

(d) By Proclamation dedicate any Crown lands:

i. For any purpose of public utility, safety, convenience, health, or enjoyment:

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

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—

(e) By Proclamation cancel the grant of and resume any dedicated
The Northern Territory Crown Lands Act.—1890.

PART I.

May reserve lands for public purposes.

By Proclamation reserve for any of the following purposes any Crown lands or other lands in the Northern Territory vested in the Crown, and not subject to any right of or contract for purchase:

1. For the use and benefit of the aboriginal inhabitants of the Northern Territory:

2. For the purposes of military defence:

3. For forest reserves:

4. For mineral reserves or reserves for gold mining purposes:

5. For travelling stock reserves:

6. For places for the recreation or amusement of the public:

7. For roads, tramways, railways, or railway stations:

8. 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:

May constitute counties and hundreds.

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 other adjacent county or hundred:

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

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

By
The Northern Territory Crown Lands Act.—1890.

(h) By Proclamation in the Gazette set apart any Crown lands as town lands, or suburban 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. The grant in fee-simple of any land hereafter granted (except grants in pursuance of any lease or agreement for sale made before the passing of this Act), and any lease under Part 11. hereof, shall not be construed to include or to convey any property in any gold, silver, copper, tin, or other metals, ore, mineral, or other substances containing metals, or any gems or precious stones, or any coal, or mineral oil in or upon such land, the same being reserved by the Crown. It shall be lawful for the Minister, and for all persons authorised by him, at all times to enter upon any such land, and to search and mine for and remove therefrom any gold, metals, and other things reserved there found, doing as little damage as may be to the surface: Provided that, in the event of the exercise of the powers hereby conferred, the Minister shall pay to the person or persons thereby damnified fair and reasonable compensation for any damage sustained (exclusive of the value of any gold, metals, or other things reserved on the said land), such compensation to be determined by valuation in the same mode as valuations are determined under section 73 of this Act.

9. It is hereby declared that since the seventeenth day of November, one thousand eight hundred and eighty-two, the Acts mentioned in the First Schedule hereto, and the rules and regulations made under the said Acts respectively, did not, and shall not hereafter, have any force or effect whatever in the Northern Territory.

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

11. The Minister shall cause a Land Office or Land Offices to be kept open for the purposes of this Act at Palmerston, or at other suitable place or places in the Northern Territory, between such hours and on such days as may be fixed by the regulations, and he may, by notice in the Gazette, close or discontinue any such office or offices.

12. All surveys by licensed surveyors of Crown lands and other lands in the Northern Territory vested in the Crown shall be made in accordance with data to be supplied by the senior surveyor, or proper officer for the time being in charge of the Land Office at Palmerston, and plans of all such surveys shall be submitted in duplicate
duplicate by the surveyor making the same to such senior surveyor or proper officer, who shall, if the same are found correct, certify them to be so. One of the duplicate plans shall be deposited in the said Land Office. Either duplicate so certified, or a copy of such duplicate certified by such senior surveyor or proper officer to be a true copy of such duplicate, shall be adopted as correct in all questions relating to the boundaries therein delineated: Provided that a certified copy of such plan shall be sent by such senior surveyor or proper officer to each lessee or owner of, or applicant for, the lands included in any such plan. Any such lessee, owner, or applicant may, subject to, and within the time and in manner prescribed by the regulations, appeal against any such survey, and the Minister or Government Resident shall thereupon nominate some other licensed surveyor to re-survey such lands, or such portion thereof as shall have been objected to; and such re-survey, if verified by the senior surveyor or proper officer aforesaid, shall be final.

PART II.

LEASES WITH RIGHT OF PURCHASE AND PERPETUAL LEASES OF COUNTRY LANDS.

13. Country lands shall be divided into two classes, viz:—
   1. Surveyed country lands; and
   2. Unsurveyed country lands.

14. The Governor may by Proclamation, from time to time, proclaim that portion of the Northern Territory north of the seventeenth parallel of south latitude a land district, or divide the same into land districts. Every such Proclamation shall define the boundaries of, and give a distinguishing name to, the district or districts.

15. Upon receiving addresses from both Houses of Parliament it shall be lawful for the Governor, from time to time, to appoint a Land Board for each district. Each Board shall consist of not more than three members. The Board shall hold office for twelve months from date of appointment, but retiring members shall be eligible for re-appointment.

16. Three members of the Board shall have and may exercise all powers and authorities vested in the Board. The Board shall at its first meeting appoint one of its members to be chairman.

17. The Minister shall have and exercise all the powers and functions of a Board in such portions of the Northern Territory as are not proclaimed as being within a land district, and within any land district until a Land Board is appointed thereto.

18. The Board shall, from time to time, subject to the approval of the Minister, classify the surveyed country lands situate in hundreds within its district, and decide upon the area which shall be included in
PART II.

Notice to be given of land open for leasing.

Applications, how made.

Simultaneous applications, what are.

Applications to be referred to the Board.

Board to determine applications referred.

Lease to be prepared

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.

19. The Minister may at any time thereafter, by notice in the Government Gazette, both in Adelaide and in the Northern Territory, 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 sixty days after the publication of such notice) be taken up on lease with a right of purchase or perpetual lease.

20. Applications for any such lease may be made to the Minister, or to the officer in charge of the Land Office at Palmerston, 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 centum of the first year's rent, as notified in the Government Gazette.

21. 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.

22. All applications shall, within two months after date of their receipt, be referred by the Minister to the Land Board for the district in which the land applied for shall be situate, unless the land be withdrawn from sale.

23. The Land Board shall meet whenever summoned by its chairman or the Minister, 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 sub-division. The Board shall forthwith report to the Minister 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.

24. The Minister 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.

25. The
25. The lessee shall, within three months, or such further time as the Minister 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 the first year's rent and prescribed fees.

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

27. 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 exercisable at any time 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 not being less than Five Shillings per acre, exercisable 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 Gazette, and such notification shall be published in the Gazette both in Adelaide and in the Northern Territory, or (in cases of sub-division of a block) that fixed by the Board on such sub-division, 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.

28. The rent reserved by any perpetual lease for the first fourteen years of the lease shall be that notified in the Gazette published both in Adelaide and in the Northern Territory, or (in cases of sub-division of a block) that fixed by the Board on such sub-division. 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.

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

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

31. 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 trees (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.

32. 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 keep and maintain all improvements the property of the Crown on the leased land, in good and tenantable repair and condition:

iv. That within seven years he will fence the land with a good and substantial fence:

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.

33. The Governor may resume for roads, railways, or tramways, or for sites for towns, or for park lands, or for mining purposes, the whole or, from time to 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.

34. 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 by arbitration.

35. Every arbitration shall be determined by two arbitrators, of whom one shall be nominated by the Minister 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 one month 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.

36. Any lessee under a lease with a right of purchase who shall not, within six months, or within such further time as the Minister may allow, after notice to him of the amount of the rent fixed by the Board on re-valuation for the renewed lease, signify to the Minister his acceptance of such re-valuation shall forfeit his right of renewal.

37. In
37. In case any lessee under perpetual lease shall not, within six months, or within such further time as the Minister may allow, after notice to him of any re-valuation of his rent, signify to the Minister 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.

38. 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 renewal of lease or 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 hereinbefore provided, and the improvements made by the former lessee shall be paid for by the incoming tenant, at a price to be fixed by arbitration, and to be paid to the Minister and by the Minister to the outgoing lessee.

39. 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 Minister 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.


40. No person shall hold under lease under this part of this Act, at one and the same time, more than three thousand acres in area.

41. Details connected with applications, surveys, leases, and grants, under this part of this Act, shall in all things be subject to the regulations.

42. The Minister may at any time, either permanently or temporarily, withdraw any lands from selection or lease under this Act, and may in all cases, where he deems it desirable or expedient in the public interests, refuse any application.

43. Any person who shall, either directly or indirectly, at any one time be the beneficial holder of, or be beneficially interested in, more than three thousand acres of land held upon lease under this part of this Act, unless he shall become entitled to such land as the devisee or personal representative of any deceased occupier or lessee, or as mortgagee, shall be liable to forfeit all country lands held by him under lease under this Act, or in which he shall be beneficially interested, and all moneys paid by him on account thereof may be absolutely forfeited.

44. Any lessee under this part of this Act may, at any time, Lessee may surrender.
PART II.

Who may not hold lands on terms of credit.

Applicant may employ agent to buy.

In certain cases the lease may be revoked.

Lessee whose lease revoked not to be allowed to purchase again upon credit for two years.

45. No person under the age of eighteen years shall be entitled to hold, either directly or otherwise, any land upon lease under this part of this Act, unless such person shall become entitled to such land as the personal representative or devisee of any deceased lessee.

46. Nothing herein shall prevent any bonâ fide applicant from employing an agent duly authorised to make application in the name and for the declared use and benefit of such applicant; but all contracts, agreements, and securities which shall be entered into, made, or given with the intent of violating or evading any of the provisions of this Act shall be, and are hereby declared to be, frauds upon this Act, and illegal, and absolutely void.

47. The Minister, on being satisfied that any lessee under this part of this Act has been guilty of fraud, or has violated or failed to perform any of the conditions or obligations contained in his lease or imposed by this Act, may publish in the Gazette, a notice in the form or to the effect of the Third Schedule to this Act, which notice shall, either before or after its publication in the Gazette, be also served upon the lessee, or posted to his last known address, or the place of residence mentioned in his lease; and during two months next following the publication of the said notice the lessee may furnish the Minister with any documentary evidence that he has not been guilty of fraud, or has not wilfully violated or failed to perform the conditions or obligations alleged in the said notice (as to which the burden of proof shall be upon the lessee); and if the lessee shall not furnish such evidence, or if the evidence so furnished by him shall fail to prove to the satisfaction of the Minister that the lessee has not been guilty of the fraud, or has not wilfully violated or failed to perform the conditions or obligations alleged in the said notice, it shall be lawful for the Minister, at any time after the expiration of the said two months, to revoke such lease and resume possession of the land therein described; and thereupon no claim under such lease (except as against the lessee) shall be made, entertained, or enforced; but the lessee shall be taken to have forfeited all right, title, and interest under the revoked lease, and all money paid thereunder, and to be, as to the land therein described, a mere trespasser; and the production of a copy of the Gazette containing a notice by the Minister of such revocation and resumption shall be conclusive evidence that such lease has been lawfully revoked, and that the land therein mentioned has been lawfully resumed.

48. No person whose lease shall be so revoked, shall be entitled or allowed to become the lessee of the same or any other land under this part of this Act for the space of two years from the date of such revocation.
PART III.

SALES FOR CASH.

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

50. Country lands within such surveyed areas as may be fixed by Proclamation may be sold by auction for cash at not less than Ten Shillings per acre.

51. The Minister may, from time to time, fix the upset price at which any town or suburban lands may respectively be offered for sale by public auction, and may, from time to time, raise and lower such prices respectively: Provided always that the minimum price shall not in any case be less than One Pound per acre.

52. No lands shall be offered at auction until after a statement, showing the particulars of the land to be offered, and the upset price or prices at which it is proposed to offer the same, and the time and place of the proposed auction, shall have been published for not less than four consecutive weeks in the Gazette.

53. The purchaser of any lands at auction shall pay, at the time of sale, a deposit of twenty per centum of the purchase-money, and shall pay the balance of the purchase-money within one month next after the date of the sale; and in default shall forfeit the deposit, and the sale of the land shall be void: Provided always that the Minister may waive any such forfeiture, upon such terms as he shall think fit.

PART IV.

LEASES FOR THE GROWTH OF AGRICULTURAL PRODUCTS.

54. Leases of country lands situate to the north of the seventeenth parallel, for the production of rice, sugar, coffee, tea, indigo, tobacco, or cotton, or of any other agricultural product that may be allowed by the regulations, may be granted in blocks of not more than six hundred and forty acres, to any person who shall first apply for the same. Every such lease shall be for the term of five years, at the yearly rental of Sixpence per acre. Provided that a lease of not more than one hundred and sixty acres may be granted, on conditions of residence, to any applicant at the yearly rental of Threepence per acre.

55. Any person desirous of obtaining any such lease shall apply in writing to the Minister, in the form of the Fourth Schedule hereto, or in a form to the like effect, for the land required, and shall, with his application, deposit the sum of Sixpence per acre as the first year's rent of the land applied for.

56. If the land applied for shall be wholly or partially unsurveyed, the applicant shall, before making his application, mark upon
upon the ground the situation thereof in such conspicuous manner as shall be prescribed by the regulations, and shall, before obtaining the fee simple, pay, in addition to the said sum of Sixpence per acre, the estimated cost (to be fixed by the Minister) of the survey of such land: Provided that the Minister may, if he think fit, refuse to grant a lease of the land applied for.

57. The lease shall contain covenants by the lessee—

1. That he will pay the rent annually in advance:

2. That he will, during the first two years of the term, cultivate in a husbandlike manner, with one or more of the products mentioned in section 54, at least one-tenth of the entire area of the leased land, and will, during the remainder of the said term, keep the same land or an equal area of the leased land under such cultivation, and that he will during the third and every subsequent year of the term cultivate and keep under cultivation in like manner, and with one or more of the said products, at least an additional one-twentieth part of the entire area of the leased land:

3. That he will, during the term, enclose the whole of the leased land with a substantial fence or wall, or such other sufficient enclosure as may be prescribed by the regulations:

4. And power to resume, at cost price, any portion of the land afterwards required for roads or other public purposes:

And such other covenants, conditions, and stipulations as shall be prescribed by the regulations.

58. If any such lessee shall, at any time within twelve months after the expiration of his lease, prove to the satisfaction of the Governor that he has observed and performed all the covenants and conditions of his lease, he shall be entitled, without any further payment, to a grant of the fee-simple of the leased land.

PART V.

PASTORAL LEASES.

59. Leases for pastoral purposes of Crown lands not included in any hundred may be granted to the first applicant for a period not exceeding forty-two years. The annual rent at which such lease shall be granted shall be not less than Sixpence per square mile
mile for the first period of seven years, not less than One Shilling per square mile for the second period of seven years, not less than Two Shillings per square mile for the third period of seven years, and for the remainder of the term such an amount per square mile as shall be fixed by valuation, irrespective of lessees' improvements, made by the Minister within the first six months of the twenty-first year of the term of such lease.

60. Every lease under this part of this Act shall contain covenants by the lessee to stock the leased land 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 ten head of sheep or two 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 imputed as equal to five head of sheep; and in all cases, upon being required thereunto, to furnish the Minister with true particulars of the number of sheep and cattle with which the land is stocked; and the Minister may extend the time for stocking the land if satisfied that bona fide efforts have been made to improve or stock such land. And every such lease shall also contain such other covenants, conditions, and stipulations as shall be prescribed by the regulations.

61. No lands which at the time of the passing of this Act are, or shall hereafter be leased for pastoral purposes shall be again leased for the same purposes, unless a lease thereof shall have been first offered for sale by public auction at such upset yearly rent as may be fixed by the Minister, such rental being not less than Sixpence per square mile.

62. The Governor may by Proclamation in the Gazette withdraw any lands from lease under section 59; and thereupon a lease of any of the lands so withdrawn may be offered for sale by public auction at such upset yearly rent as the Minister may fix. No lease shall be offered for sale under this section until two months after notice of the intention to offer the same shall have been published in the Gazette, and every such notice shall describe generally the lands to be offered, and shall state the date and place of sale, the upset price, and the terms and conditions of the lease.

63. Every pastoral lease hereafter granted shall be subject to the condition that the Governor may, during the currency of such lease, by proclamation in the Gazette, resume possession of all or any part of the lands leased:

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

11. If such lands shall be required for any other purpose one year’s written notice shall first be given to the lessee, unless the lessee shall give his written consent to dispense with such notice.

64. On the resumption of any lands leased for pastoral purposes, any improvements made by the lessee on the lands resumed during the term of his lease shall be valued; and the lessee shall, subject to the provisions of this Act, be compensated in respect thereof in manner following; that is to say, if the resumption shall take place during—

(a) The first half of the term, the lessee shall be paid the full value of all such improvements:

(b) The third quarter of the term, the lessee shall be paid one-half of the value thereof:

(c) The last quarter of the term, the lessee shall be paid one-fourth of the value thereof:

and if the lands resumed shall be situate to the south of the line defined in the Fifth Schedule hereto, he shall, in addition, be paid compensation in an amount to be fixed by valuation for the loss of or depreciation in the value of his lease, according as the whole or part only of the lands leased shall be resumed: Provided that such resumption shall not be for mineral purposes, or for the purpose of any railway, tramway, road, or public work, or as the site for a town or cemetery, or for park lands: Provided also that if the land included in any one lease shall be intersected by the said line, then the whole of such lands shall, for the purposes of this section, be deemed to be situate to the north of such line.

65. 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.

66. No lease granted in pursuance of this part of this Act shall contain any implied or express covenant or provision whereby the Government might, except on resumption, be liable to make any payment to the lessee for or in respect of improvements made by him during the term of such lease; and at the expiration, or sooner determination, except by resumption, of any such lease, the lands therein included, together with all improvements, made thereon, shall vest absolutely in Her Majesty, Her heirs and successors for the public uses of the said province.

67. The Minister shall have power, at any time after the expiry of any unsold pastoral lease, to determine the occupation of the outgoing lessee by paying to him the price fixed as the value of his improvements.

68. Where
68. Where there are several pastoral leases of adjoining lands expiring at different dates the Minister may, with the consent of the lessee, issue a new lease, expiring not later than six months after the average date of expiration of such leases, in lieu of such leases: the area of each lease being considered in estimating the average date of expiry of such lease.

69. Whenever a new lease shall have been sold during the currency of an existing lease, the lessee under such existing lease may, with the consent of the Minister, continue in occupation of the lands comprised in his lease until the expiration of twelve months after the sale of the new lease, although his lease shall have expired; but he shall, subsequent to the expiration of his lease, pay the rent reserved by and otherwise perform the terms of the new lease, and exonerate the new lessee from such payment and performance, and such occupation shall be subject to such other terms and conditions as may be prescribed by the regulations.

70. The term of every new lease sold at auction under this part of this Act shall not exceed forty-two years, and every such lease shall contain a covenant for stocking, as provided by section 60, and such other stipulations and conditions as shall be prescribed by the regulations.

71. If any lease offered for sale pursuant to this part of this Act shall not be sold, the Minister may, from time to time, offer the same for sale by auction at such reduced upset yearly rent as he shall from time to time think fit, but so that such reduced rental shall not be less than Sixpence per square mile: Provided that in the interval between an unsuccessful auction and the publication of notice of another intended auction of such lease, the Governor may grant the lease to any purchaser or person willing to take the same at the like rent and upon the same terms and conditions at and upon which the lease was offered at such unsuccessful auction.

72. No lease shall be offered at auction pursuant to this part of this Act until the expiration of two months after notice of such intended auction shall have been published in the Gazette.

73. All valuations under this part of this Act, except valuations under section 69, shall be determined, in case of dispute, by two arbitrators, of whom one shall be nominated by the Minister, and the other by the person or persons entitled to compensation or payment; and 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 one month next after a notice in writing so to do shall have been given him by the other party, or shall name an arbitrator who shall refuse to act, without another arbitrator being appointed, then the arbitrator named by the other party may make a final decision alone.

74. No
PART 

Notice of improvements to be given.

Proviso.

Annual leases and commonage licences.

Holder of existing lease may surrender.

The Northern Territory Crown Lands Act—1890.

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

75. It shall be lawful for the Minister to grant annual leases of Crown lands included in any hundred, and also commonage licences for the depasturing of cattle 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.

76. Any holder of an existing lease of country, which is held under any Act which is repealed by this Act, may with the consent of the Minister, at any time within twelve months from the passing of this Act, upon proof to the Minister's satisfaction that he has complied with the conditions of his lease and has stocked his land with the number of stock required by section 60 of this Act, obtain a new lease for an additional term of fourteen years added to the unexpired term of the old lease, and the rent payable under such new lease shall for the unexpired term of the old lease be the same as that payable under such lease, and shall for the fourteen years' extension be fixed by valuation as provided for by section 59 of this Act; and such new lease shall, except as to rent, be subject to all the provisions of this Act.

PART VI.

LEASES AND LICENCES FOR SPECIAL PURPOSES.

77. 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), on any Crown lands or other lands in the Northern Territory vested in the Crown not subject to a contract for, or right of purchase of, any portion of the lands on which such discovery shall have been made, not exceeding six hundred and forty acres. Every such lease shall be granted on such terms and conditions, and at such rent, as the Minister may think fit. A copy of every such lease shall be laid before both Houses of Parliament within one month from the date thereof, or, if Parliament be not then in Session, within one month after the next meeting of Parliament.

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

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

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

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

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

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

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

vii. For the working of mineral springs:

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

ix. For the manufacture of salt:

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

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

xii. For any purpose approved by the Governor.

79. Every lease under the last preceding section 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 Minister, by notice published in the 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 Minister, and if there should be more than one applicant for the same block the right to a lease thereof shall be decided by lot.

80. Every lease granted under section 77 hereof shall contain a covenant by the lessee to use the demised land bona fide for the purpose for which it shall have been demised, and not to use it for any
any other than such purpose, and such other covenants as the Minister may think fit to impose; and shall also contain a proviso for forfeiture upon breach of any covenant contained in the lease.

81. The Minister, or any person authorised by him in that behalf, may grant licences to enter upon any Crown lands, or 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. To cut, dig, and take away any live or dead timber, gravel, stone, limestone, salt, guano, manure, shell, seaweed, sand, loam, and other earth:

ii. For fishermen’s residences and drying grounds:

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

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 Minister.

82. 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 Minister shall think fit to impose.

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

84. The Minister may also grant licences to fish for pearls, pearl shell, and trepang, within the waters of the Northern Territory, for such period, and upon such terms and conditions, as may be prescribed by the regulations.
PART VII.

MISCELLANEOUS PROVISIONS.

85. The Minister may cause any auctions under this Act to be held at such times and places as he shall think fit, and may appoint any person to preside at and regulate any such auction: 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 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.

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

87. The Minister may at any time, either permanently or temporarily, withdraw any Crown lands or other lands vested in the Crown from selection, sale, or lease.

88. The Minister, notwithstanding anything in this Act contained, may decline to accede to any application for lease or purchase on credit, or for cash, of any Crown lands known or supposed to contain gold, silver, copper, tin, or other valuable mineral, or any coal or mineral oil, or which it may be deemed desirable to reserve for public purposes.

89. 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 Minister, and such lands shall, during such interim, be deemed (except for the purpose of sale or leasing) to be Crown lands: Provided that nothing herein contained shall affect any lands the care, control, and management of which shall have been or shall hereafter be placed under a Municipal Corporation or District Council.

90. 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 as for other metals and minerals, and for the purposes of all Acts relating to mining, be deemed to be Crown 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.

91. From
PART VII.

Application of "Fencing Act, 1865."

91. From and after the coming into operation of this Act the provisions of the "Fencing Act, 1865," shall apply to all freehold lands, lands under agreement, and to all lands leased under the Crown Lands Acts. 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.

Rent, how determined.

92. In fixing rent by valuation for leases with right of purchase, perpetual leases, or pastoral leases, regard shall be had to capacity of the land for agriculture, growth of tropical plants, capacity for depasturing stock, its proximity and facilities of approach to railway stations, ports, rivers, and towns, and other circumstances of situation affecting its value, but irrespective of the value of the improvements which the lessee in possession shall have made or paid for.

Recovery of rent.

93. The rent reserved by any lease, granted under the authority of this Act, may be levied or recovered by or under the authority of the Minister 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 Minister shall be a sufficient warrant and authority to distrain, any law or enactment to the contrary notwithstanding.

Penalties on non-payment of rent.

94. If the rent or any other sum payable under any lease granted under the authority of this Act, or under any lease granted previously to the passing of this Act, is not paid on or before the day appointed for payment thereof, a penalty of five per centum shall be added to such rent; and if the said rent or sum be not paid within three months after such day, together with such penalty, a further penalty ten per centum shall be added; and if the said rent and such penalties be not paid within one month after such three months, the same shall be recoverable by the Minister by action in his own name in any Court of competent jurisdiction: Provided that the Minister may waive such penalties should he think fit.

Proviso.

95. In every case where the rent of any lands heretofore or hereafter held under lease shall be unpaid and in arrear for more than six months after the day on which the rent is payable under such lease, and in every case where the Minister 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 Minister may thereupon insert a notice in the Gazette declaring such lease to be forfeited; and every such notice shall be taken to be conclusive evidence that the lease therein mentioned was legally cancelled and forfeited, and the land included therein may be dealt with in all respects as if such lease had never been granted: Provided that no new lease of the land included in a lease so forfeited shall be granted before the new lease has been offered for sale to the highest bidder at public auction.

96. It
96. It shall be lawful for any person authorised thereunto by the Minister to take possession, on behalf of the Crown, of all Crown lands or other lands in the Northern Territory vested in the Crown of which any person shall be in unauthorised possession or occupation, and forcibly to eject every such person therefrom.

97. Any person who shall unlawfully occupy any Crown lands or other lands in the Northern Territory vested in the Crown, either by residing or by erecting any building or hut thereon, or by clearing, enclosing, or cultivating any part thereof, shall be liable on conviction to the penalties following, that is to say—For the first offence, a sum not exceeding Ten Pounds; for the second offence, a sum not less than Ten Pounds nor more than Twenty Pounds; for the third or any subsequent offence, a sum not less than Twenty Pounds nor more than Fifty Pounds: Provided always that no information shall be laid for any second or subsequent offence until the expiration of fourteen clear days from the date of the previous conviction.

98. No person who shall fail to complete his application for any land under this Act in accordance with the regulations shall be deemed the first applicant for such land, and the land may be dealt with as if such application had never been made.

99. All unbranded wild horses and horned 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 Minister 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 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 Minister for that purpose, shall be at liberty within two months next after the date of such authority, or such further term as the Minister 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.

100. 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; for the execution of all matters and things arising under and consistent with this Act, and not herein expressly provided for; for fixing fees; and for 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, or evasion, or violation thereof; and may
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 Northern Territory, or to any particular district or districts only, and in respect of holdings, claims, leases, or licences of every class, or of any particular class or classes only.

101. Every regulation made by the Governor under the authority of this Act shall, when published in the 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.

102. No Asiatic alien shall be entitled to acquire the fee simple of any land in the Northern Territory.

PART VIII.

TRESPASS, PENALTIES, AND LEGAL PROCEDURE.

103. If any cattle 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 person authorised by the Minister in that behalf, either generally or in that particular case, to impound the cattle 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 person authorised in that behalf, without compensation to the owner.

104. Whosoever shall depasture any cattle upon any Crown lands, or upon any lands reserved for or dedicated to the public use, 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 than shall be authorised by such licence or authority, shall forfeit and pay, on conviction, the following penalties, that is to say—for the first offence, a sum not exceeding Five Pounds; for the second offence, a sum not less than Five Pounds nor more than Ten Pounds; and for the third and any subsequent offence, a sum not less than Twenty Pounds nor more than One Hundred Pounds; and, in addition thereto, for each offence, a sum not exceeding Threepence per head for every head of sheep or pigs, and One Shilling and Sixpence for every head of other cattle so unlawfully depastured.

105. Whosoever shall wilfully deface, injure, destroy, or, without the leave of the Minister, or some person authorised to grant such leave, remove any survey-picket or other landmark, placed, erected,
erected, or being on Crown lands, or other lands 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.

106. Any person who shall injure, fell, bark, or destroy any tree or sapling growing on any Crown lands, or on other lands vested in the Crown, and not subject to any right of or contract for purchase; or who shall cut, saw, remove, or sell any timber lying or being on any such lands, without a valid licence or other lawful authority in that behalf; and any person who shall unlawfully remove and take away, or sever, excavate, quarry, or dig for, with intent to remove and take away, any metal, or ore containing metal, or any stone, sand, gravel, or other material from any such lands, without a valid licence or other lawful authority in that behalf; and any person who shall fish for pearls, pearl shells, or trepang in the waters of the Northern Territory 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, or thing, a penalty of not more than Twenty Pounds, or be imprisoned with or without hard labor for any period not exceeding two months: and it shall be lawful for any person authorised by the Minister, or for any police constable, to apprehend any person found committing any offence against this section, and forthwith to take such person before any neighboring Justice of the Peace to be dealt with according to law.

107. All proceedings under this Act may be had and taken, and all penalties, fines, forfeitures, and sums of money incurred or imposed or payable under this Act, may be sued for and recovered at the suit of the Minister, or such officer as he from time to time may in that behalf appoint.

108. In any action, suit, or proceeding under this Act, the averment that any lands are Crown lands, dedicated land, reserved land, or other lands vested in the Crown, or that any person is authorised to take any proceedings, to do any act or perform any duty, or sue for the recovery of any penalties or other moneys under this Act, shall be sufficient without proof of such fact, unless the defendant prove the contrary; and if any question shall arise whether the defendant was authorised to do the act complained of, the proof thereof shall lie upon such defendant; and all licences, certificates, maps, plans, and copies, purporting to be certified as true under the hand of the senior surveyor or proper officer in charge of the land office at Palmerston 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.

109. All actions for anything done under this Act shall be commenced within six months after the cause of action shall have arisen, and
PART VIII.

and not afterwards; and notice in writing of such action, and the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in every such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before 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.

Summary procedure.

110. All proceedings for the recovery of any pecuniary penalty by this Act imposed for any omissions, defaults, acts, or offences shall be had and taken, and may be heard and determined in a summary way, by any Special Magistrate or two Justices of the Peace of the said province, under the provisions of Act No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," or of any other Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders may be enforced as in such Act is or shall be provided; and the Special Magistrate or Justices of the Peace may also, in case any penalty is imposed, order the defendant, in default of payment thereof, to be imprisoned, with or without hard labor, for any period not exceeding six months.

Appeal.

111. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order dismissing any information or complaint, which appeal shall be to the Local Court of Full Jurisdiction nearest to the place where such conviction or order was made, 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.

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

113. The
The Northern Territory Crown Lands Act.—1890.

113. The publication or notification, under the authority of the Government Resident of the Northern Territory, in any newspaper published and circulating in the said Territory, of any information, matter, or thing, by any act, ordinance, statute, law, regulation, custom, or usage, directed or required to be published or notified in the Government Gazette, shall, within the said Territory, be of the same force and effect as a publication or notification in the Government Gazette; and shall, so far as affects any rights or liabilities accrued or incurred within the said Territory, be and be deemed for all purposes a full and complete compliance with the act, ordinance, statute, law, regulation, custom, or usage, directing or requiring such publication or notification.

114. Any person who shall publish, or causes to be published, in any such newspaper, or who shall be party or privy to the publication in any such newspaper, of any notice purporting to be authorised by the Government Resident, which has not been duly authorised by the said Government Resident, shall, on conviction, be liable to a penalty of not more than One Hundred Pounds for every such offence, or to be imprisoned for any period not exceeding six months.

115. The production of the Gazette, in which shall be published any Proclamation, regulation, or notice, purporting to be made or given under this Act, or of any such newspaper as aforesaid containing any publication or notification purporting to be published or notified under the authority of the Government Resident, shall be deemed and taken to be primâ facie evidence in all Courts and before all Justices that such Proclamation, regulation, notice, publication, or notification was duly made or given, and is of full force and effect.

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

KINTORE, Governor.

SCHEDULES.
## SCHEDULES.

### FIRST SCHEDULE.

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<td>No. 22 of 1864</td>
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<tr>
<td>No. 8 of 1865-6</td>
<td>An Act to amend Act No. 18 of 1858, intituled &quot;An Act to amend 'The Waste Lands Act.'&quot;</td>
</tr>
<tr>
<td>No. 16 of 1865-6</td>
<td>An Act to amend the Laws relating to the leasing of Waste Lands of the Crown within the Province of South Australia for pastoral purposes.</td>
</tr>
</tbody>
</table>
FIRST SCHEDULE—continued.

<table>
<thead>
<tr>
<th>Number of Act.</th>
<th>Title of Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 4 of 1869-70</td>
<td>An Act to amend &quot;The Waste Lands Amendment Act, 1868-9.&quot;</td>
</tr>
<tr>
<td>No. 17 of 1869-70</td>
<td>An Act to amend the laws relating to the leasing for Pastoral Purposes of certain of the Waste Lands of the Crown in the Province of South Australia, and for other purposes.</td>
</tr>
<tr>
<td>No. 26 of 1870-71</td>
<td>An Act to amend the Laws relating to Gold Mining, and for other purposes.</td>
</tr>
<tr>
<td>No. 27 of 1870-71</td>
<td>An Act to further amend &quot;The Waste Lands Amendment Act, 1868-9.&quot;</td>
</tr>
</tbody>
</table>

SECOND SCHEDULE.

*Application to Surrender Lease held under Part II. of "The Northern Territory Crown Lands Act, 1890."*

To the Minister having the control of the Northern Territory:

Sir—Take notice that, under Part II. of "The Northern Territory Crown Lands Act, 1890," I, the undersigned, do hereby surrender my lease, No. [here describe the land comprised in the lease].

Dated this day of 18.

(Signature.)

(Occupation.)

(Address.)

THIRD SCHEDULE.

*Notice of intention to revoke Lease of Land upon Credit.*

To the lessor of the lease under "The Northern Territory Crown Lands Act, 1890," dated the day of 18.

Take notice that I, the Minister having the control of the Northern Territory, am satisfied that you, the above-named [here describe the lessor], have been guilty of fraud under the above Act, or have violated or failed to perform the conditions or obligations contained in the above-mentioned lease, or imposed by the above Act), inasmuch as you have (or have not) within the terms and meaning of such lease (or of the said Act), and the regulations in that behalf duly made [state nature of the fraud, or breach of conditions or obligations complained of]. And further take notice that, during the two months following the publication hereof in the *Gazette*, you are at liberty to furnish to me any documentary evidence that (you have not been guilty of the fraud, or that you have not violated or failed to perform the conditions or obligations) as above-mentioned, as to which the burden of proof is upon you: And further take notice, if you furnish no such evidence, or if the evidence furnished by you fails to prove to my satisfaction that you have not (been guilty of the above-mentioned fraud, or violated or failed to perform the above-mentioned conditions or obligations), it will be lawful for me to revoke the said lease, and resume possession of the lands therein described after the expiration of two months from the publication hereof in the said *Gazette*. Dated this day of 18.

.................. The Minister having the control of the Northern Territory.

E—501.

FOURTH
The Northern Territory Crown Lands Act.—1890.

FOURTH SCHEDULE.

Application for Lease of Land for Growing Agricultural Products, under Part IV. of "The Northern Territory Crown Lands Act, 1890."

To the Northern Territory:

Sir—I the undersigned do hereby, under Part IV. of "The Northern Territory Crown Lands Act, 1890," apply for a lease of the following country lands, viz.:—[here describe the land so as to identify it], containing acres or thereabouts, and I herewith deposit the sum of as and for the first year's rent in advance; and I undertake, whenever required by notice in the Gazette so to do, to execute a lease containing the terms, covenants, stipulations, and conditions provided by the said Act, or the regulations thereunder.

Dated this day of 18.

(Signature.)

(Occupation.)

(Address.)

[Note.—If the lands applied for are unsurveyed, the applicant must mark upon the ground the situation thereof in manner prescribed by the regulations, and also pay the estimated cost of the survey.]

FIFTH SCHEDULE.

Commencing at the intersection of the fourteenth parallel of south latitude with the western boundary of the Northern Territory; thence due east to the intersection of the said fourteenth parallel of latitude with the eastern boundary of the said province.