



ANNO QUINQUAGESIMO TERTIO ET QUINQUAGESIMO QUARTO

# VICTORIÆ REGINÆ.

A.D. 1890.

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## No. 502.

An Act to amend "The Crown Lands Act, 1888," "The Crown Lands Amendment Act, 1889," and for other purposes.

*[Assented to, December 23rd, 1890.]*

**W**HEREAS it is expedient to amend "The Crown Lands Act, 1888," "The Crown Lands Amendment Act, 1889," and to make provision for other purposes—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:

Preamble.

### PART I.

### PART I.

#### PRELIMINARY.

**1.** This Act may be cited for all purposes as "The Crown Lands Amendment Act, 1890." Short title.

**2.** This Act shall be divided into three parts, relating to the following subject matters: Division of Act into parts.

PART I. Preliminary.

PART II. Pastoral Leases, Resumptions and Surrenders.

PART III. Miscellaneous.

**3.** In the construction of this Act, the expression— Interpretation.

"The principal Act" shall mean "The Crown Lands Act, 1888":

"Prescribed" shall mean prescribed by the regulations in force under this Act: "Pastoral

*The Crown Lands Amendment Act.—1890.***PART I.**

“Pastoral lease” shall mean any lease granted for pastoral purposes under this or any of the Crown Lands Acts :

The expressions “Class I.,” “Class II.,” and “Class III.,” respectively refer to the classes of pastoral lands described in section 56 of the principal Act :

**Repeal.**

**4.** Sections 13, 14, 28, 42, 55, 57, 58, 59, 60, 62, 64, 65, 73, 78, 79, 80, 81, 82, and 169, of the principal Act, and sections 6, 7, 36, 39, and 40 of “The Crown Lands Amendment Act, 1889,” are hereby repealed, but such repeal, or any repeal effected by this Act, except where otherwise expressly provided by this Act, shall not affect—

- (a) Any agreement, lease, or licence heretofore granted under any enactment hereby repealed ; nor
- (b) The past operation of any enactment hereby repealed, nor anything done or suffered under any enactment hereby repealed ; nor
- (c) Any right, privilege, obligation, burden of proof, or liability acquired, accrued, or incurred under any enactment hereby repealed ; nor
- (d) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; nor
- (e) Any legal or other proceeding, valuation, arbitration, or remedy in respect of any such right, privilege, obligation, burden of proof, liability, penalty, forfeiture, or punishment as aforesaid ; and any such proceeding, valuation, arbitration, or remedy may be carried on as if this Act had not been passed.

And the repeal of the foregoing sections shall apply to and affect only leases of land not held under—

Certificate of claim ; or

Pastoral leases issued prior to the passing of this Act.

Enactments not to apply to pastoral leases under this Act.

**5.** Notwithstanding anything in the principal Act contained, sections 61, 63, 66, 67, 68, 69, 70, 71, 72, 74, 75, 77, and 169 of the principal Act shall not apply to any pastoral lease issued under the provisions of this Act.

**PART II.****PART II.****PASTORAL LEASES, RESUMPTIONS, AND SURRENDERS.**

Power to lease pastoral lands.

**6.** All Crown lands not included in any hundred may be leased for pastoral purposes, but 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.

**7.** Pastoral

*The Crown Lands Amendment Act.—1890.*

7. Pastoral leases may be granted under this Act for the terms following, that is to say, for any term not exceeding—

## PART II.

Term and conditions of pastoral leases.

(a) Twenty-one years as regards lands comprised in Class I. or Class II., except in the case of any lease issued pursuant to section 26:

(b) Forty-two years as regards leases issued pursuant to Section 26:

(c) Forty-two years as regards lands comprised in Class III.

All such leases shall be in a form to be approved by the Governor, and be prepared by the Commissioner; and, in addition to all such exceptions, reservations, covenants, terms, and conditions necessary or proper for giving effect to this Act, or not inconsistent therewith, shall contain covenants by the lessee—

- i. To pay the rent annually in advance:
- ii To keep all reservoirs, buildings, fences, and other improvements on the leased land, which, in the opinion of the Commissioner, ought to be kept in repair, in good and tenantable repair and condition:
- iii. To stock within three years the land leased 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. That the lessee will not at any time during the last three years of the term of the lease overstock the land or any part thereof, or keep thereon any excessive number of sheep, cattle, horses, or other stock, which in the opinion of the Commissioner would have the effect of depreciating the ordinary capacity of the land for depasturing by stock.

But no such lease shall contain any implied or expressed covenant or provision whereby the Government might, except on resumption, be liable to make any payment to the lessee for, or in respect of, any improvements then on the land.

8. Before any pastoral lease shall be granted pursuant to this Act, the Surveyor-General shall, except where hereinafter otherwise provided, under the direction and subject to the approval of the Commissioner, determine the duration of the proposed lease, the boundaries of the land intended to be comprised therein, the upset annual

Surveyor-General to define land and fix rent and value of improvements.

*The Crown Lands Amendment Act.—1890.*

## PART II.

Notice of auction to be given of land open for leasing.

Leases unsold may be re-offered at reduced rent, or disposed of without further auction.

Purchaser or grantee to execute lease.

Deposit to secure maintenance of improvements.

Forfeiture of moneys and rights on failure to comply.

Leases to discoverers of pastoral country.

annual rent at which the same shall be offered, and the value of the improvements (if any) existing on such land; and thereupon the Commissioner may, upon giving notice thereof in the *Government Gazette*, cause the lease to be offered for sale by auction.

9. If any such lease shall be offered for sale at auction and not sold, the Commissioner may, from time to time, upon giving further notice in the *Government Gazette*, cause the lease to be re-offered at such reduced rent as he shall think proper: Provided that in the interval between any unsuccessful auction and the publication of any such further notice, 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 any former auction.

10. The purchaser or grantee shall, within the time and in the manner prescribed, execute the lease and pay the first year's rent and prescribed fees, and also a deposit to the amount of ten per centum upon the value, as specified in the *Gazette* notice, of any improvements on the land, which deposit shall be held by the Commissioner as security for the maintenance of such improvements in a proper state of repair. Interest at the rate of five per centum per annum on such deposit shall be allowed as against the rent payable under such lease, so long as such improvements shall be so kept in repair: And provided the lessee shall have duly complied with the provisions of the lease, the deposit shall be returned to him at the expiration of the lease; but if he shall not have duly kept the improvements in repair, or if the total value of the said improvements on the land shall be less than the amount which the said lessee became responsible for, the Commissioner may deduct, out of the deposit, an amount equal to the depreciation in value of such improvements. Any purchaser, grantee, or lessee who shall fail to comply with the requirements of this section shall forfeit all the moneys paid by him, together with the lease, if granted, or, if not granted, then all right to a lease of the lands, without prejudice nevertheless to any other rights or remedies the Crown may have against him by reason of such non-compliance: Provided, however, that if the lessee shall have made other substantial improvements of equal value to those upon which the ten per centum deposit has been paid, the Commissioner may repay to the lessee the whole or any part of the amount of such deposit at any time previous to the expiration of the lease.

11. If any person shall discover any Crown lands in Class III. adapted for pastoral purposes, the Commissioner may, without auction, grant to such person a lease of all or any portion of the lands so discovered for a term of not exceeding forty-two years, at the annual rent of Two Shillings and Sixpence per square mile for the first twenty-one years of the term, but subject to re-valuation as regards the residue (if any) of such term as hereinafter provided; and in all other respects upon the same terms and conditions as other pastoral leases granted under this Act. For the purpose of any such re-valuation the first twenty-one years of the term shall be deemed the "first period" of the term.

12. Upon

*The Crown Lands Amendment Act.—1890.*

## PART II.

On expiry of lease land to be re-offered under this Act.

12. Upon, or within twelve months before, the determination of any pastoral lease granted either before or after the coming into operation of this Act, all or such portion of the land theretofore comprised in such lease as shall not be required for any other purpose shall, except in the case of surrender of any existing lease for a lease under this Act, in one or more blocks be re-offered for lease for pastoral purposes under this Act. Provided that in cases where the leases of any of the blocks of land which are held by the same lessee, and which are contiguous to each other, expire at different periods of time, the Commissioner may, when he considers it advisable, grant to the outgoing lessee a further lease for a term not exceeding three years at an annual rental to be fixed by the Commissioner, and not being less than the annual rental paid under the previous lease.

*Rents and Periodical Revision of Rents, Compensation on Resumption, &c.*

13. For the purpose of revising or re-valuing the rents to be paid by lessees, the term of every pastoral lease issued pursuant to this Act of lands comprised in Class III., and not being a pastoral lease issued pursuant to section 26, shall be deemed to be divided into periods of fourteen years each, hereinafter referred to as the first, second, and third periods, respectively.

Term of lease divided into three periods of fourteen years.

14. The annual rent to be paid by the lessee during the first period shall, except where by this Act otherwise provided, be the same as that at which the lease was purchased or granted, and the same rate shall continue to be paid during the remainder of the term, unless or until altered by re-valuation as hereinafter provided.

Rent for first fourteen years fixed by the lease.

15. If the Commissioner or the lessee shall be desirous, during any current period, of having an alteration made in the annual rent to be paid under such lease during the next ensuing period, he shall give to the lessee or the Commissioner, as the case may be, notice in writing of such desire within the first six months of the thirteenth year of the current period; and thereupon a re-valuation shall be made, and the rent to be paid during such ensuing period shall be fixed by the Surveyor-General, and the lessee shall be notified of the result: Provided that the lessee, if dissatisfied with such result, may, within the time and in manner prescribed, appeal and may bring evidence in support of such appeal before the Commissioner, who may thereupon increase or reduce the rent so fixed, and his decision shall be final: Provided also that this section shall not apply in the case of any lease granted for a term of not exceeding twenty-one years, and in every such case the rent for the whole term shall be at the rate mentioned in the lease.

Re-valuation at instance of Commissioner or lessee.

16. Every such re-valuation shall be deemed completed at the expiration of the time limited for the lessee to appeal, unless an appeal

Notice of result of re-valuation to be gazetted.

*The Crown Lands Amendment Act.—1890.*

## PART II.

appeal shall be duly made, in which case it shall be deemed completed so soon as the Commissioner shall have determined the appeal, and when completed notice of the result thereof shall be published by the Commissioner in the *Government Gazette*; and the rent so fixed shall be paid by the lessee during such ensuing period, and the like rate shall be paid during every subsequent period unless, as regards any third period, the rate shall be altered by re-valuation.

When improvements to be considered in fixing rent in certain cases.

Principles of valuation of rent.

**17.** The Surveyor-General, in originally fixing the rent at which any lease of pastoral land shall be offered under the provisions of this Act, shall take into account all improvements (if any) on such land; and upon every such valuation or re-valuation regard shall be had to the carrying capacity of the land for depasturing by stock, its proximity and facilities of approach to railway stations, ports, rivers, and markets, and such other circumstances as may affect its value; but improvements made by the lessee during the term of any lease granted under this Act, and the increased carrying capacity arising therefrom shall not be taken into account on any re-valuation pursuant to section 15. Nor shall any improvements in respect whereof the lessee shall, pursuant to section 26, have released or discharged his claims to payment or compensation, be taken into account on any such re-valuation.

Compensation on resumption.

**18.** If any land included in any pastoral lease issued under this Act shall be resumed, the lessee shall, subject to the provisions of this Act, be compensated for loss or depreciation in the value of his lease caused by such resumption, and in respect of the improvements made by him during the term of his lease 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.

Notice of improvements

**19.** No lessee shall be entitled to payment, on any resumption, in respect of any improvements made after the coming into operation of this Act, 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: and such improvements shall have been sanctioned by the Commissioner: 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, and if the improvements shall be sanctioned by the Commissioner.

*The Crown Lands Amendment Act.—1890.*

## PART II.

**20.** No payment or valuation shall be made on any resumption pursuant to this Act, in respect of any improvements, nor shall any improvements be considered pursuant to this Act unless the Surveyor-General shall certify that the same are useful and were made 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, or 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.

Only certain improvements to be paid for.

**21.** In computing the compensation to be paid in any case for loss or depreciation in the value of any lease, whether granted before or after the commencement of this Act, 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.

Certain increased value not to be included.

**22.** The amount payable for improvements, or compensation for loss of or depreciation in the value of any such lease, shall be paid within six months after the resumption occasioning the loss or depreciation, provided the lessee shall then have given up possession of the land resumed.

Time for payment of compensation.

**23.** The value of any improvements to be valued pursuant to this Act, and the amount of compensation to be paid on any resumption under this Act, shall, in case of dispute or difference, be determined by two arbitrators (of whom one shall be appointed by the Commissioner, and the other by the party entitled to payment or compensation), and in case of their disagreement, then by an umpire to be chosen by such arbitrators before entering upon the valuation, or the consideration of the amount of compensation, as the case may be: Provided that in case either party shall neglect or refuse to appoint an arbitrator for the space of one month after the date fixed by the Commissioner for the appointment of arbitrators, or shall name an arbitrator who shall neglect or refuse to act, and in such case fail to name another arbitrator who will act, then the arbitrator appointed by the other party may make a final decision alone. The date for the appointment of arbitrators shall, in every instance, be fixed by the Commissioner by notice in the *Government Gazette*, and shall not be later than three months after the resumption of the lands; and the decision of the arbitrators or umpire shall within three months after their or his appointment, or within such further time as the Commissioner may allow, be reported in writing to the Commissioner and the other party. For the purposes of any such valuation the word "value" shall have the meaning assigned to it by section 3 of "The Crown Lands Interpretation Act, 1887," and section 5 of the same Act shall be deemed to be incorporated in this Act.

Valuation by arbitrator.

*Surrender*

*The Crown Lands Amendment Act.—1890.*

## PART II.

*Surrender of Existing Leases, other than Class I.*

Lessees may give notice of surrender of existing leases within two years.

**24.** Any lessee of pastoral lands whose pastoral lease has expired on or since the thirtieth day of April one thousand eight hundred and eighty-nine, and who being entitled under such lease to receive payment for improvements on the leased land, shall not have received such payment, and any lessee holding lands under any existing pastoral lease granted before the commencement of this Act, and any person who may be entitled to a pastoral lease under any Act in force before the passing of this Act, who shall be desirous of releasing his claims to payment, or surrendering his lease, or right to a lease, as the case may be, and of obtaining in lieu thereof a pastoral lease of the same lands under the provisions of this Act, shall, within two years from the coming into operation of this Act, give notice, in writing, to the Commissioner of such desire: Provided that this section and the two next following sections shall not, nor shall either of them, apply to any lands comprised in Class I.

Surveyor-General to report on terms of new lease to be offered, &c.

**25.** The Commissioner may refer such notice to the Surveyor-General, who shall forthwith report to him on the value of the improvements for which the lessee is, or on the expiration of the existing lease would be, entitled to payment, the carrying capacity of the land for depasturing by stock, and any other circumstances affecting the value of the existing lease or the claims or rights of such lessee or person, and recommend for the approval of the Commissioner the term for which, and rent at which, a lease under this Act should be granted to such lessee or person upon his releasing all claims to payment, or surrendering the existing lease, or rights to a lease, as the case may be. The Commissioner may adopt such recommendations, or alter or vary the same, as he shall think fit, and may, at his discretion, cause the lessee or person to be notified of the term for which, and rent at which, a lease under this Act might be granted in consideration of such release or surrender; and such lessee or person may thereupon, within three months, or such further time and in such manner as may be prescribed, notify his acceptance of such terms.

New lease to be issued and all prior claims or leases relinquished.

**26.** On receipt by the Commissioner of such notice of acceptance, a pastoral lease shall forthwith be granted to and executed by such lessee, or person, at the rent and for the term mentioned in the Commissioner's notification, and in all other respects, except as hereinbefore provided, on the same terms and conditions as other pastoral leases issued under this Act; and such lessee or person, as the case may be, shall, so far as regards any lands to be comprised in the new lease, be deemed to have—

- (a) Released and discharged the Government from all claims and demands which before such notice of acceptance he had in respect of any improvements upon such lands:
- (b) Released and discharged the Government from all rights or claims on his part to a lease under any Act or Acts previously in force:
- (c) Surrendered



*The Crown Lands Amendment Act.—1890.*

## PART II.

(c) Surrendered his existing lease and all rights, claims, and demands whatsoever thereunder, whether to compensation for improvements or otherwise, except his right to the new lease to be granted to him under this Act as aforesaid.

27. No lease of any land shall be offered pursuant to section 25 at a less annual rent than the rent previously payable by the surrendering lessee.

Rent of new lease not to be less than the old.

*Resumption of Pastoral Lands.*

28. As regards all pastoral leases which may hereafter be granted, the Governor may, during the currency of any such lease, by notice forwarded in writing to the lessee, and published in the *Government Gazette*, resume possession of all 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—

Leased lands may be resumed.

- i. If such land 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 notice of the intention to resume shall be so given :
- ii. If such land shall be required for any other purpose, one year's notice shall be so given.

*General Provisions.*

29. 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 this or any of the Crown Lands Acts.

Power to enter leased lands.

30. The pastoral lessee of any pastoral lands in either Class I. or Class II. as defined by the principal Act shall, whether his lease shall have been granted before or after the coming into operation of this Act, notwithstanding the granting 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 granted during the last twelve months of his existing lease) continue in occupation of such lands for a period of twelve months after the expiration of his existing lease, notwithstanding such expiration. 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 the commencement of the term of any new lease 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 new lessee from such payment and performance, and such occupation shall otherwise be subject to all prescribed terms and conditions.

Lessees in Class I. and Class II. may continue in occupation after expiry of lease.

*The Crown Lands Amendment Act.—1890.*

## PART II.

Biddings at  
auction, &c.

**31.** Every lease offered for sale by auction pursuant to this part of this Act shall be offered at an upset annual rent, and the bidding shall be in advance thereof. The first year's rent shall be paid on the fall of the hammer, and all payments made by the outgoing lessee in exoneration of the new lessee, pursuant to section 29 of this Act, shall be credited against the rent falling due after the expiration of the first year of the term granted by the new lease.

Notice of auction to  
be gazetted.

**32.** No lease shall be offered for sale by auction pursuant to this part of this Act unless at least a four weeks' previous notice of the auction shall have been given by the Commissioner in the *Government Gazette*.

## PART III.

## PART III.

## MISCELLANEOUS.

*(a) Provisions relating to Part II. of the principal Act and Land Boards.*Governor may alter  
boundaries of land  
districts.

**33.** The Governor may, by Proclamation, alter or vary the boundaries of any land district whether heretofore or hereafter to be defined.

Land Boards may be  
appointed.  
Constitution.

**34.** It shall be lawful for the Governor to appoint a land board for each district. Each board shall consist of three members, of whom two shall be residents of the district for which they shall be appointed but shall not be civil servants.

Tenure of office.

**35.** Members shall hold office for twelve months from date of appointment, but the Governor may, at pleasure, at any time suspend or remove any member, whether appointed before or after the commencement of this Act. Any member whose term of office shall have expired shall be eligible for re-appointment.

Quorum.

**36.** Any two members of a board shall form a quorum, and may exercise all the powers and authorities vested in the board, and in case only two members are present the chairman shall have a deliberative as well as a casting vote; but all the members of the Board shall be entitled to attend every meeting thereof, and shall be duly summoned for that purpose.

Member of Board not  
to be lessee.

**37.** No person while a member of any Land Board shall be eligible as an applicant or be interested in any application for a lease, under Part II. of the principal Act, of or in respect of any land situated within the district for which such Land Board was appointed, and no member of any Board shall hear or deal with any application in which any partner or relative of such member shall be interested; and if any member of any Land Board shall act contrary to this section he shall be guilty of an offence against this Act, punishable by a fine not exceeding Fifty Pounds, and any allotment of land made or application granted contrary to this section

*The Crown Lands Amendment Act.—1890.*

## PART III.

section shall be absolutely void, except as against any purchaser, not being a partner or relative of such member, who shall purchase *bonâ fide* for value without notice of the offence having been committed.

**38.** No person, while a member of a Land Board, shall be eligible as a candidate for either House of Parliament, and the seat of any member of a Land Board who shall become a candidate for a seat in Parliament shall thereupon become vacant.

Member of Land Board becoming candidate for Parliament to forfeit seat on board.

**39.** Any person holding lands under an agreement for purchase, and who shall surrender his agreement in exchange for a perpetual lease or lease with a right of purchase under Part II. of the principal Act, and who shall have purchased and paid for any excess area of land under any of the Crown Lands Acts, shall, on surrendering the receipt for the purchase-money of such excess area to the Commissioner, be credited with the amount so paid by him against the rent or rent and purchase-money payable under his lease, and the land purchased by him, as aforesaid, shall thereupon revert to the Crown and be included in his lease.

Lessee to be credited with the amount paid for excess area.

**40.** It shall be lawful for the Commissioner, on the recommendation of the Land Board for any district, to reduce the rent or reduce or remit any arrears of the rent payable in respect of any land described in Schedule D of the principal Act or in Schedule B hereto and held under any of the leases specified in Schedule A 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. All reductions or remissions heretofore made by any Land Board, and which would be lawful if made by such Board after the commencement of this Act, are hereby validated and confirmed.

Board may reduce rents and remit arrears.

**41.** In deciding between applicants for blocks of land, the Land Board shall, unless there be in the opinion of the Board good cause to the contrary, give preference to the applicant who shall agree to take the block on condition of personal residence, and every lease granted to such applicant shall contain a covenant by him to reside on the land for nine months at least of every year of the term: Provided that in every case where the preference is given to an applicant who does not intend to reside on the block, the reasons of the Board for so allotting the land shall be given in the return mentioned in section 40 of this Act.

Lessee to covenant to reside on land.

Every lease granted under the provisions of Part II. of the principal Act shall contain such right of re-entry, and all such covenants, terms, and conditions necessary or proper for giving effect to the provisions and purposes of this Act, the principal Act, and "The Crown Lands Amendment Act, 1889," or not inconsistent therewith, as the Governor may see fit to require.

**42.** No transfer of any perpetual lease, or lease with right of purchase, shall be permitted, except on the recommendation of the Land

Transfers.

*The Crown Lands Amendment Act.—1890.*

## PART III.

Land Board for the district and with the consent of the Commissioner; and no such recommendation or consent shall be given to any transfer in favor of any lessee who shall then hold under any tenure any land the unimproved value of the fee simple of which shall exceed Five Thousand Pounds: Provided that this shall not apply to city, town, and suburban lands.

*(b) Provisions relating to Working Men's Blocks.*

Lands may be acquired for Working Men's Blocks.

**43.** It shall be lawful for the Commissioner, from time to time, subject to the approval of Parliament, by purchase, exchange, or otherwise, to acquire lands suitable for blocks for working men, and cause the same to be surveyed and perpetual leases thereof offered under the provisions of Part VII. of the principal Act, or sold under lease with right of purchase, pursuant to the provisions of Part II. of the said Act: Provided that before any lands shall be so acquired, the Commissioner shall lay before Parliament a schedule of the lands, and the terms on which they shall be proposed to be acquired: Provided also, that any lands so acquired shall not be sold for a sum less than the sum paid therefor by the Government nor be let at a less rental than shall be equivalent to five per centum on the price paid for such land by the Government.

Lessees not entitled to purchase certain blocks.

**44.** Notwithstanding anything contained in section 139 of the principal Act, or section 37 of "The Crown Lands Amendment Act, 1889," no lessee shall be entitled to complete the purchase of any lands comprised in any lease hereafter to be granted under Part VII. of the principal Act, if such lands shall be situated within a radius of ten miles of the General Post Office, Adelaide.

Leases may be granted of more than one block

**45.** Notwithstanding anything contained in the principal Act, leases under Part VII. thereof may, at the discretion of the Land Board for the district, be granted to any one lessee, notwithstanding such leases may include one or more block or blocks of land not contiguous to each other, provided that the same shall be near to each other and the aggregate area of such blocks shall not exceed twenty acres; and no lessee shall hold more than two blocks at the same time.

Receipts for rent to constitute holding title.

**46.** The yearly receipts for rent paid by a lessee of a working man's block shall be a sufficient holding title so long as he continues to reside on his land, but in case of transfer or mortgage a lease shall be taken out.

Allowance if block cultivated.

**47.** If half of any block leased pursuant to Part VII. of the principal Act be cultivated for seven years with vines or fruit trees, in manner prescribed and to the satisfaction of the Commissioner of Crown Lands, the holder of such block shall be allowed the sum of Two Pounds for every acre so cultivated off the purchase-money covenanted to be paid by him for such land: Provided that no such allowance shall in any case exceed one-half of the purchase-

*The Crown Lands Amendment Act.—1890.*

## PART III.

purchase-money of the said block, or, in case of a lease, one-half the value of the freehold of the land included in such lease, such freehold value to be fixed by the Commissioner: Provided also that this section shall not apply to any lands situated within ten miles of the city of Adelaide.

*(c) Scrub Leases and Selectors' Agreements.*

**48.** Any person holding lands under any scrub lease or selector's agreement in force before "The Crown Lands Act, 1888," came into operation and now existing, may within twelve months from the sixth day of December, one thousand eight hundred and ninety, in manner provided by regulations, apply to the Commissioner to reduce the price or purchase-money of such lands, and the Commissioner shall submit such application to the Land Board for the district, and on their recommendation may reduce such purchase-money. The amount to which any such purchase-money has been, before the commencement of this Act, or hereafter shall be, so reduced, is hereinafter referred to as the "reduced purchase-money."

Reduction of purchase money.

**49.** In every case where the purchase-money has been or shall be so reduced, the reduced purchase-money shall be deemed to be the amount of purchase-money originally payable or agreed to be paid under the lease or agreement, as the case may be, and all moneys which have been, or hereafter shall be, paid on account of purchase-money, shall be credited as against the reduced purchase-money; and without prejudice to any rights conferred by section 139 of the principal Act, the deficiency (if any) between the moneys paid prior to such reduction and the reduced purchase-money shall be paid by equal annual instalments, so computed and distributed over such a period that such deficiency shall be fully paid at the expiration of the time originally limited for the completion of the purchase under the original lease, or agreement, as the case may be; and so soon as the payments made, or hereafter to be made, on account of purchase-money shall aggregate the amount of the reduced purchase-money, the grant for the land shall be issued; but in all other respects the existing lease or agreement shall remain in force. The crediting of any such moneys as aforesaid, or the crediting of any moneys under section 5 of "The Crown Lands Amendment Act, 1889," shall not, in any case, confer any personal right or claim to any repayment of such moneys.

Reduced purchase-money to be deemed original purchase-money.

**50.** Sub-section II. of section 5 of "The Crown Lands Amendment Act, 1889," is hereby repealed, and in lieu thereof the following sub-section shall be incorporated in the said section--

Repeal of sub-section II., section 5, of Act 472 of 1889.

II. As to lands held under scrub lease, or any other lease with right of purchase, the person surrendering shall be credited as against rent, or rent and purchase-money, as the case may require, not only with all payments made, or which shall hereafter be made by him subsequent to the surrender of

*The Crown Lands Amendment Act.—1890.*

## PART III.

of his lease, but also with all such payments made before such surrender as shall be in excess of the aggregate amount of rent payable by him under the original lease for the first three years of the term; and if such aggregate amount paid during the said first three years shall exceed ten per centum on the amount of the original purchase-money, he shall also be credited with the difference in excess: Provided that no credit of any such excess as aforesaid shall be given unless all moneys payable by the lessee in respect of the first three years' occupation of the land shall have been previously paid: Provided also that credit shall not be given for any such excess beyond the amount of twenty years' rent from date of such surrender, computed at the rate fixed by the Land Board.

*(e) Miscellaneous Leases.*

Miscellaneous lessees may apply for right of purchase.

**51.** Any person being the holder of a "Lease for grazing and cultivation," or of a "Miscellaneous lease for grazing or cultivation," granted prior to the passing of this Act, and who—

- (a) Does not, at the time of making the application, hold more than one thousand acres under freehold or lease with right of purchase; and
- (b) Has during the term of his lease utilised and is then utilising such land,

may, within twelve months from the passing of this Act, in manner to be prescribed, apply to the Commissioner for a lease with a right of purchase, or for a perpetual lease under Part II. of the principal Act, to be granted to him of all or any portion of the said land in one block not exceeding one thousand acres: Provided that nothing in this section shall apply to any land reserved for gold or other minerals, to a proposed water area, or to lands which, in the opinion of the Commissioner, should be reserved for public purposes.

Application to be referred to Land Board.

**52.** The Commissioner may refer such application to the Land Board, who shall report to him whether such applicant has, to the satisfaction of such Board, complied with the preceding section and any other circumstances affecting the applicant's right of purchase, and shall, in such report, define the boundaries of the land (if any) which, in their opinion, such applicant should be allowed to purchase, or obtain on perpetual lease, and fix the annual rent and purchase-money of the said land. The Commissioner may adopt the recommendations of the Board or alter or vary the same, as he shall think fit, and may, at his discretion, cause the lessee or person to be notified of the terms and conditions upon which a lease might be granted; and such lessee or person may thereupon, within such time and in such manner as may be prescribed, notify his acceptance of such terms.

**53.** Upon

*The Crown Lands Amendment Act.—1890.*

## PART III.

Miscellaneous lease  
to be cancelled so far  
as necessary.

New lease to issue.

Resumption of lands  
in Schedule E.

Application of Acts.

Lands in Schedule E  
not reckoned.Sec. 85 of principal  
Act amended.Reservation of  
minerals, precious  
stones, &c.

**53.** Upon receipt by the Commissioner of such notice of acceptance, the Commissioner shall cause the said lease for grazing and cultivation, or miscellaneous lease for grazing or cultivation, as the case may be, to be cancelled so far as regards the land for which a lease with a right of purchase or perpetual lease under Part II. of the principal Act shall have been granted, and the applicant shall, within the time and in manner prescribed by the principal Act, execute a new lease pursuant to the said Part II. of the principal Act.

*(f) Resumption of Educational Lands.*

**54.** The Governor may, by Proclamation, cancel the grant and resume possession of the lands described in Schedule C to this Act, notwithstanding the grant of such lands to the Council of Education; and thereupon any existing leases, in so far as they relate to the said lands or any part thereof, shall cease and determine, and the lands shall re-vest in the Governor as Crown lands. The Governor may, by the same or any subsequent Proclamation, add the said lands or any part thereof to the road referred to in Schedule C, so that such lands and road shall together form one district road, and become dedicated to the public, and be under the care, control, and management of the District Council of Crystal Brook, subject to the provisions of the "Roads Act 1884."

**55.** For all purposes relative to the compensation to which any lessee, occupier, or other person shall be entitled by reason of such resumption, "The Lands Clauses Consolidation Act" and the Acts extending or amending the same shall be incorporated with this Act; and the expression "promoters of the undertaking," when used in the said Acts, or any of them, shall mean the Commissioner of Crown Lands, and "Special Act" shall mean this Act.

**56.** The lands described in Schedule C hereto shall not be reckoned in the computation of the maximum amount of land limited by any statutes in that behalf which the Governor is empowered to grant for educational purposes, but the Governor may make grants to the extent of such maximum as if the lands described in the said Schedule had never been so granted.

*(g) Miscellaneous.*

**57.** Section 85 of the principal Act shall be read and construed as if the words "on the first day of the then current month" had been inserted in the twelfth line of that section in lieu of the words "at any time during the previous two months."

**58.** Every lease under Part II. of the principal Act shall contain a reservation to the Crown of all gold, silver, copper, tin, or metals, ores, minerals, or substances containing metals, and all gems and precious stones, and all coal and mineral oils in or upon the leased lands.

**59.** Every

*The Crown Lands Amendment Act.—1890.*

## PART III.

Corporations and District Councils may apply for lease under Part II. of principal Act.

Trustees and executors, Powers of.

Repeal of section 22 of "The Forest Trees Act, 1878."

Improvements made under miscellaneous leases for salt manufacture to be sold, and proceeds paid lessee.

Regulations may be made.

**59.** Every Municipal Corporation or District Council shall be competent to become an applicant for and lessee under any lease to be issued under Part II. of the principal Act.

**60.** If any person having a right to surrender any lease or agreement in exchange for a lease with a right of purchase, or for a perpetual lease, under Part II. of the principal Act, shall die, or be adjudicated insolvent, or execute any statutory deed of assignment for the benefit of his creditors, the executors or administrators of such person, or the trustee or other person in whom such lease or agreement shall vest under his will, or by virtue of such insolvency or deed of assignment, may exercise all powers of surrender and exchange, and incidental thereto, which such person could have exercised before his death, or adjudication, or the execution by him of the said deed, as the case may be.

**61.** Section 22 of "The Forest Trees Act, 1878," is hereby repealed.

**62.** On the expiration or sooner determination of any miscellaneous lease heretofore granted, or hereafter to be granted, for or in connection with the collecting, procuring, or manufacture of salt, or gypsum, all buildings, tanks, machinery, and appliances (if any) built or erected by the lessee, and being on the land leased, shall, together with the new lease of the land, be offered for sale at auction for cash, and the amount (if any) at which such buildings, tanks, machinery, and appliances shall be sold shall (unless the outgoing lessee be the purchaser) be paid by the purchaser to the Commissioner, and by him to the outgoing lessee.

**63.** The power of making, altering, rescinding, varying, and amending regulations, and imposing penalties conferred by the principal Act, shall extend to all such regulations as may be necessary and requisite under this Act, and which, in the opinion of the Governor, may appear necessary or advisable for regulating—

- (a) The meetings and proceedings of Land Boards :
- (b) The making and dealing with applications, fixing of rents or purchase-money, determining of areas and boundaries, the making of valuations, re-valuations, or surveys, and the conduct of arbitrations, under this Act :
- (c) The form and contents of notices, applications, leases, licences, and all other instruments and documents, and the mode and time of executing, serving, or delivering the same, and all other matters and things incidental thereto :
- (d) The examination of applicants, witnesses, and other persons :
- (e) Surrenders, exchanges, resumptions, and forfeitures :
- (f) The stocking of lands :
- (g) The imposing of penalties :
- (h) The



*The Crown Lands Amendment Act.—1890.*

PART III.

- (h) The time and manner in which any act, deed, matter, or thing required by this Act to be done, and as to which no time or procedure is provided, is to be done or performed:
- (i) Fees to be paid:
- (j) All other matters and things arising under and consistent with this Act not herein expressly provided for, 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.

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

KINTORE, Governor.

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*The Crown Lands Amendment Act.—1890.*

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## SCHEDULES.

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SCHEDULE A

Leases for Grazing and Cultivation.  
Miscellaneous Leases for Grazing or Cultivation.  
Selectors' Leases.  
Scrub Leases.  
Ten years' Leases with Right of Purchase.

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SCHEDULE B.

Crown lands situated upon Thistle Island, Flinders Island, Spilsby Island, and Wedge Island.

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SCHEDULE C.

All that strip of land of the uniform width of two chains situated in the hundred of Wandearah, being the eastern portions of sections 6, 7, 147, 146, and 8, known as Council of Education lands, and abutting on the road there forming the western boundary of sections 9 and 150.